

Also, petition of Claflin, Thayer & Co., of New York City, urging an advance on second-class mail rates; to the Committee on Ways and Means.

Also, petition of the New York Job Press Feeders' Union, No. 1, protesting against any increase in second-class postage rates, or any change in the system in handling the second-class postage matter; to the Committee on Ways and Means.

Also, petition of Merchants' Association of New York, urging the enactment of measures for the administration of food control, and commending the selection of Mr. Herbert C. Hoover to organize and administer the department of food control; to the Committee on Agriculture.

Also, memorial of the National Association of State Universities, asking that the food supplies be not wasted in the manufacture of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of members of the Pine Street Presbyterian Church, of Harrisburg, and citizens of the sixth ward, Bradford, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SANDERS of Indiana: Petitions of Asbury H. Manuel and others, of Greencastle; Clarence D. Royse and others, of Rockville; Julian D. Hogate and others, of Danville; George F. Carmack and others, of Dana; Centenary Methodist Church, of Terre Haute; and sundry citizens of fifth congressional district of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Petition of citizens of Plattsburg, N. Y., and vicinity, for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation, and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions of Men's Baraca Class of First Baptist Church of Ilion, N. Y., and Florence, N. Y., and sundry citizens of Oneida County, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Jones Bros., of Utica, N. Y., against prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SWITZER: Petitions of sundry citizens of Ironton, Ohio, and vicinity, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of Boston Automobile Dealers' Association, Boston, Mass., relative to amended bill in reference to tax on automobiles; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petition of residents of Salida, Colo., favoring the immediate submission of the Federal amendment for woman suffrage; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Connecticut Medical Society, urging Congress to declare void patents on salvarsan; to the Committee on Patents.

Also, petition of churches of New Haven and Baptist Church of Brenford, Conn., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WARD: Petition of Presbyterian Christian Endeavor of Jefferson, N. Y., favoring the enactment of a law prohibiting the manufacture and use of alcoholic liquors as a war measure; to the Committee on the Judiciary.

Also, petition of Henry W. Brink, presiding officer of a meeting of members of Reformed Church of Woodstock and West Hurley, N. Y., in favor of enactment of a law to prohibit the manufacture and sale of alcoholic liquors as a war measure; to the Committee on the Judiciary.

Also, petition of Rev. W. H. McPherson and other citizens of Stone Ridge, N. Y., favoring the enactment of a law prohibiting the manufacture and sale of alcoholic liquors as a war measure; to the Committee on the Judiciary.

By Mr. WASON: Petition of 34 residents of the city of Keene, N. H., for the Nation's sake, for humanity's sake, and to conserve the Nation's resources, urging the adoption as soon as possible of some effective method to prohibit the manufacture and sale of intoxicating liquor, at least during the war; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Memorial of Kidder County Sunday School Convention, urging national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Petitions of members of Home Missionary Society of Garrett Park Methodist Episcopal Church, Social Service Commission of Diocese of Maryland, 41 persons of Damascus and Salem, Miss Maggie Addison, secretary Woman's Home Missionary Society of Methodist Episcopal Church of Ijamsville, and 15 people of Barton, all in the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, June 8, 1917.

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, the God of our fathers and our God, too, we humbly beseech of Thee Thy blessing that in these days of anxiety and grave responsibility we may be divinely guided, and realize all the while that the voices to which we listen are the voices of truth, of duty, of high and holy service for the country that we love. Give unto the President all necessary wisdom, so that, with his counselors, he may be guided in those ways which will be for the highest interest and welfare, not only of our land, but of the nations of the earth. So guide, we beseech of Thee, all on whom there shall come new demands of duty, whether on the "far-flung battle line" or in some places of responsibility in the home land, there may be always in evidence that only the right can prevail. And to Thee and Thy name shall be all the glory, through Christ our Lord. Amen.

The Journal of the proceedings of Tuesday, June 5, 1917, was read and approved.

SENATOR FROM OREGON.

Mr. CHAMBERLAIN. Mr. President, I present the credentials of Hon. CHARLES L. McNARY, appointed by the governor of Oregon to succeed the late Senator Harry Lane of that State. I ask that the credentials be read.

The VICE PRESIDENT. The Secretary will read the credentials.

The Secretary read the credentials, as follows:

STATE OF OREGON.

To all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the capacity, integrity and fidelity of CHARLES L. McNARY, a citizen of Salem, Marion County, Oreg., I, James Withycombe, governor of the State of Oregon, do, in the name and by the authority of said State, by these presents appoint and commission him, the said CHARLES L. McNARY, United States Senator from Oregon to fill the unexpired term of the late Senator Harry Lane, of Portland, Oreg., in accordance with the provisions of chapter 48 of the General Laws of Oregon for 1915.

In testimony whereof I have caused the seal of the State to be affixed at the city of Salem, this 29th day of May, 1917.

[SEAL]

JAMES WITHYCOMBE, Governor.

By the governor:

BEN W. OLCOTT,
Secretary of State.

Mr. CHAMBERLAIN. Mr. President, Mr. McNARY is present in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. There being no objection to the credentials, the duly appointed Senator from Oregon will present himself at the Secretary's desk and take the oath of office.

Mr. McNARY, escorted by Mr. CHAMBERLAIN, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 70) relating to the service of certain retired officers of the Army.

The message also announced that the House had passed the bill (S. 995) to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The message further announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes; further insists upon its amendment to the amendment of the Senate numbered 2 to the bill; further insists upon its disagreement to the residue of the

amendments of the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLET managers at the further conference on the part of the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 11. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; and

H. J. Res. 94. Joint resolution authorizing the Board of Regents of the Smithsonian Institution to permit the Secretary of War to erect temporary buildings in the Smithsonian grounds.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of sundry citizens of Eagle Bend, Minn., remonstrating against the enactment of legislation to change the name of oleomargarine to butterine, and to change the rate of tax on butterine, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Minnesota, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregation of the First Baptist Church of Lyme, and of sundry citizens of Sunapee, in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRADY. I present resolutions passed by the Wallace and Vicinity Trades and Labor Council, Wallace, Idaho. This council is affiliated with the American Federation of Labor and represents 18 labor organizations. The resolutions favor the retirement of superannuated employees of the Government on a reasonable allowance. I am very much in sympathy with the purpose of these resolutions and have supported and will support in the future any measure that will accomplish this purpose. I ask to have the resolutions printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

WALLACE AND VICINITY TRADES AND LABOR COUNCIL, Wallace, Idaho, May 16, 1917.

Resolution of the Wallace and Vicinity Trades and Labor Council.

Whereas it is a matter of official record that the Government service is seriously impaired because of the large number of superannuated employees carried on the rolls; and

Whereas, in view of the great emergency with which the Government has to cope at the present time because of the state of war now existing, it is important that immediate steps be taken for promoting the highest degree of efficiency in the Government service; and

Whereas we believe that the most effective means for obtaining such results would be the enactment of an equitable retirement law; and

Whereas we believe that employees who have spent long years in the Government service have justly earned a sufficient competence to keep them in their declining years: Therefore be it

Resolved by the Wallace and Vicinity Trades and Labor Council, at a regular meeting held in Wallace, Idaho, May 9, 1917, as follows:

First. That Congress be urged to take immediate action for passing a retirement law which contains the principal features of the Wadsworth-Dale bill (S. 281) in order that justice may be done many faithful employees who have become incapacitated in the line of duty; and

Second. We believe that such action is imperative in order that the several branches of the Government service may fulfill in the most effective way possible the demands of the present emergency, to the end that measures for national defense may be successful; and be it further

Resolved, That a copy of these resolutions be forwarded to each Member of Congress from the State of Idaho; and be it further

Resolved, That all labor organizations, all organizations of Government employees, and all officials of the United States be requested to aid in securing the desired legislation.

[SEAL.] LEGISLATIVE COMMITTEE OF WALLACE AND VICINITY TRADES AND LABOR COUNCIL,
R. L. POWERS.
GEO. W. BAKER.
JAS. G. ARTHUR.

Mr. POMERENE. I present resolutions, in the nature of a petition, adopted by the faculty of the College of Liberal Arts, Miami University, Oxford, Ohio, favoring the enactment of legislation forbidding the use of grain for the manufacture of liquor for beverage purposes, which I ask to be incorporated in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas our country and the world are facing the probability of a serious shortage of food; and
Whereas the students in the colleges of the State have been called upon to engage in farm or other food-producing labor for the summer; and
Whereas the colleges of the State are cooperating by enabling such students as are willing to engage in such labor to go at once without sacrificing their standing in college; and
Whereas it is our conviction that the use of grain for the manufacture of liquor for beverage purposes is a waste, and will in part nullify any action which the colleges have taken in this matter: Therefore be it

Resolved, That the faculty of the College of Arts, of Miami University, go on record as favoring the immediate enactment of legislation forbidding the use of grain for the manufacture of liquors for beverage purposes; and that we urge the governor of our State, the members of our assembly, the National and State defense committees, and our Representatives in Congress to exert their influence toward the enactment of such legislation.

Mr. POMERENE. I present a petition signed by numerous citizens of Oberlin, Ohio, bearing on the same subject, which I ask to have printed in the RECORD without the signatures.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

The undersigned earnestly petition for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people.

M. A. DAVIS
(And others).

Mr. FLETCHER. I present a petition of sundry citizens of St. Cloud, Fla., and vicinity. It is very brief, and I ask that it be printed in the RECORD, omitting the signatures.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

The undersigned earnestly petition for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people.

E. D. C. WING
(And others).

Mr. SHAFROTH. I present a petition signed by the State chairman of the National Woman's Party of Colorado, favoring the immediate passage of the Susan B. Anthony amendment as a war measure, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

Whereas justice to women, who bear their full share of the burdens of government in war as in peace, demands the immediate passage of the Susan B. Anthony amendment as a war measure:

Resolved, That we, Colorado women, call upon Congress to pass the amendment during this session as a war measure.

Resolved also, That a copy of this resolution be sent to the Vice President, Speaker CLARK, to Senator JACOB H. GALLINGER, Senator THOMAS S. MARTIN, Representative CLAUDE KITCHIN, Representative JAMES R. MANN, and to the Colorado delegation with the request to Senator SHAFROTH and Hon. CHARLES B. TIMBERLAKE that the resolution be read into the CONGRESSIONAL RECORD.

BERTHA W. FOWLER,
State Chairman National Woman's Party, Colorado
(And 60 others).

COLORADO SPRINGS, COLO., June 2, 1917.

Mr. SHEPPARD presented petitions of the faculty of the University of Texas and of Stephen A. Hockworth, of Houston, Tex., praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. SHERMAN. I present a telegram from the Peoria Mothers' Club of Illinois, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PEORIA, ILL., June 5, 1917.

UNITED STATES SENATE,
Care LAWRENCE Y. SHERMAN,
Washington, D. C.:

We, the Peoria Mothers' Club, have given our sons at your call. We are answering your universal appeal for economy in our kitchens, believing that the successful prosecution of the war is largely a question of food for us and our allies. However, we feel strongly that all of our grain not distilled for industrial, mechanical, or medicinal purposes should be conserved for food. The unnecessary and deplorable waste in our kitchen, as much as it aggregates, seems petty compared to the many thousands of bushels of grain manufactured into alcoholic beverages. We therefore earnestly protest against this waste.
Frances Mae Goss, Edith Proctor Stone, May T. Snakey,
Frances Boone Holland, Anne Hersey Cadmus, Bertha
Heidrich Miles, Mary Lines Oakford, Olive H. Baldwin.

Mr. SHERMAN. I present an article from the Illinois State Register on the scarcity of farm labor, which I ask to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[From the Illinois State Register, June 1917.]

SCARCITY OF FARM LABOR.

Farm labor in this section of the country, according to reports, is scarcer than usual at this season of the year. No definite reason is assigned for this condition, but whatever the cause it is greatly to be regretted. Farmers have been urged by the Government to plant more acreage than ever before, and this plea has been seconded by the press. Some of the farmers have been responding liberally and perhaps the aggregate acreage is greater than it was last year. There is, however, a large acreage in localities still unplanted. A lady from Morgan County was in Springfield last week in search of competent farm workmen, and was unable to secure them. She has 1,000 acres of good farming land from which she wanted to raise a corn crop. She has been trying to obtain some one to cultivate it but without success, and hoped to obtain the necessary help in Springfield. Disappointed in this she did not know what she would do. If the woman can not obtain labor necessary to raise and harvest a corn crop it will mean a shortage of the crop of Morgan County by about 50,000 bushels. This is but a single case to illustrate the scarcity of farm labor. There are others, perhaps not many that effect a single farm, but in the aggregate there are doubtless many thousands of acres in the corn belt of Illinois that will produce little or no crop this year.

If the State or Federal Government possesses the ability to supply the demand for labor some means should be adopted to find where the labor is needed and then supply it to those farmers needing it. That is the only way for the Government to get the job and the jobless together.

It is not too late yet to plant corn. If the season is favorable, which it is likely to be, and an early frost does not interfere with the ripening of the grain, large crops can be produced by the middle of September or the 1st of October, perhaps even before the first date.

The State Register has succeeded in bringing some farm laborers and farmers together with advantages to both, but it can do but little compared with what the State or National Government can do if either shall undertake the work in earnest.

Mr. GRONNA. I have received a telegram which I ask may be read.

The Secretary read the telegram, as follows:

THOMPSON, N. DAK., June 2, 1917.

Hon. A. J. GRONNA,
Senate Chamber, Washington, D. C.:

Representing the Grain Dealers' Association of North Dakota, I urge you to use your best efforts to prevent Congress from passing any law to give a man or small group of men power to fix prices on grain unless they fix prices on all manufactured articles and other commodities that enter into the life of the Nation. Why make a goat of the farmer?

M. C. GAULKE.

Mr. GRONNA. I present a letter from the North Dakota Woman's Christian Temperance Union, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Fargo, N. Dak., May 28, 1917.

Hon. ASLE GRONNA,
Washington, D. C.

DEAR SIR: The general officers of the North Dakota Woman's Christian Temperance Union, at a meeting held at their headquarters in Fargo, voted to write to the Congressmen and Senators from North Dakota asking them to use their influence to bring about national prohibition as a war measure and to discourage the placing of an additional tax on alcoholic liquors. We feel that the conservation of the morals as well as the grain of the Nation demands national prohibition, and that to tax the liquor business lends to it an unwarranted air of respectability.

We know our representatives at Washington are right on these questions, and will be proud to see them lead in this struggle.

Sincerely, yours,

ELIZABETH PRESTON ANDERSON,
President.
ABBIE W. H. BEST,
Vice President.
BARBARA H. WYLIE,
Corresponding Secretary.
KATE S. WILDER,
Recording Secretary.
MINETTE B. BOWE,
Treasurer.

Mr. GRONNA presented petitions of sundry citizens of Page, Dazey, Antler, Westhope, Sheldon, Bismarck, Edgeley, Granville, and Steele, all in the State of North Dakota, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

Mr. JAMES. I present a resolution adopted at a meeting of the Shelby Democratic Club, of Louisville, Ky., relative to the high cost of living, which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SHELBY DEMOCRATIC CLUB,
Louisville, Ky., May 10, 1917.

Whereas the statistics in the Department of Agriculture show that there is no shortage in foodstuffs in the United States; and

Whereas it has been admitted by Secretary Houston that since April 1, 1914, to March 1, 1917, there has been an increase upon all foodstuffs of from 15 to 400 per cent; and

Whereas the present high prices are traceable to speculation and the storing of vast quantities of foodstuffs by packing houses and cold-storage plants for the purpose of boosting prices; and

Whereas the present high prices have reached a point that it is impossible for the common people to live decently upon their income or earnings from labor: Now, therefore, be it

Resolved, That the Shelby Democratic Club, of Louisville, Ky., petition Congress and Senate of the United States, through their Senators and Representatives, for Federal legislation prohibiting speculation in foodstuffs, and a packing-house bill regulating packing houses and cold-storage plants, limiting the holding of fruits, vegetables, butter, eggs, dressed poultry, and fresh meats to 90 days, making a violation of said laws punishable by both fine and imprisonment in the penitentiary.

Hon. OLLIE M. JAMES,

Washington, D. C.

DEAR SIR: The above resolution was adopted at the meeting of the Shelby Democratic Club, and the secretary was instructed to send a copy to our Representatives and Senators at Washington.

Very respectfully,

J. T. SMITH, Secretary.

Mr. JONES of Washington. I present a resolution adopted at a large mass meeting of the citizens of Seattle, Wash., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the Chief Executive of this Nation, on April 2 last, in urging on Congress our intervention in the prevailing European war, declared as follows:

"We shall fight for the things we have nearest our hearts—for democracy. * * * for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations, and make the world itself at last free"; and

Whereas in a preceding message to the Senate of the United States, defining the peace which we are interested in achieving as the outcome of such war, our distinguished President further declared:

"No peace can or ought to last which does not recognize and accept the principle that governments derive all their powers from the consent of the governed"; and that "henceforth inviolable security of life, of worship, and of industrial and social development should be guaranteed to all peoples who have lived hitherto under the power of governments devoted to faith and purposes hostile to their own"; and

Whereas these exalted declarations apply, in our judgment, with peculiar force to the concerns of the Irish people. There is one of the smaller, as it is one of the oldest, nations in Europe. They have been and still are governed without their consent. They have been denied any and all security of social or industrial development. They have long lived and they still live under the power of a government devoted to faith and purposes hostile to their own sentiments, purposes, and aspirations. They have never ceased during centuries, even for a single generation, to maintain in open and honorable warfare their claim to nationhood and to freedom, and they are to-day struggling in their own land for the establishment of a democratic republic: Now, therefore, be it

Resolved, That we, American citizens, faithful to the principles, the Constitution, and the laws of the Republic, being assembled in public meeting in the city of Seattle on this 27th day of May, 1917, respectfully and earnestly urge upon the President and Congress of the United States that this Republic is morally and by every consideration of national gratitude and political principle obligated to insist in all international councils that the people of Ireland shall be restored to all their rights and liberties, in accordance with the splendid exposition of national rights and liberties laid down by President Wilson, and that they be relieved of the burdens, the restrictions, and the oppressions of an alien government. That we regard with disapproval any action by our Government or any of its divisions or departments which might directly or indirectly countenance the offer to the people of Ireland of any substitute whatever for complete national independence. That we protest beforehand against the conclusions of any convention called in Ireland under the auspices of the British Government, as proposed by the British premier, to determine the political or other demands of the Irish people, since any such body can only be designed to falsify those demands and to deceive the other races of the world. No convention or other body can express the will of the Irish race in Ireland as to the government of their own land unless its membership is based in representation on the entire adult population of the country, wholly irrespective of social, religious, or political division; and be it further

Resolved, That we heartily approve the joint resolution introduced in Congress by the Hon. WILLIAM E. MASON, now a Member of the House of Representatives and formerly representing the State of Illinois in the United States Senate, and that we express our sincere thanks to that distinguished statesman for the action so taken by him.

Mr. SHIELDS. I present resolutions passed by the members of the Munsey Memorial Sunday School, of Johnson City, Tenn., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions passed by the members of the Munsey Memorial Sunday School, Johnson City, Tenn. on Sunday morning, May 20, 1917.

Whereas the people of this great Nation of ours have in a great measure come to realize that one of the greatest menaces to our fair country is the liquor traffic, which in past years has caused more misery and sorrow to ourselves and our neighbors and friends than any other cause, and is still wrecking and ruining lives and homes in many of the States of the Union; and

Whereas the people of the great State of Tennessee, having rid themselves, through the efforts of its broad-minded and liberty-loving statesmen and citizens, of the legalized sale of intoxicants, are anxious and prayerful that their example be followed by the people of every State which is bound together by the Stars and Stripes; and

Whereas they feel that such a state of things can only be brought about by laws enacted by the Senate of the United States absolutely prohibiting the manufacture and sale of intoxicants, and we realize that such bills can not be passed unless our Senators and Congressmen are themselves believers in Nation-wide prohibition and are willing to lend their time and ability toward the consummation of this great end; and

Whereas the people of Tennessee are fortunate in having Senators and Congressmen who are in the forefront of this great fight, and who have done many things which have brought us nearer the goal, and we, as citizens of this State, feel that we should express to them our appreciation for their past actions and urge upon them greater efforts in the future: Now, therefore, be it

Resolved, That we, the officers, teachers, and scholars of Munsey Memorial Sunday School, of Johnson City, Tenn., do, by unanimous vote, express to our Congressman, Hon. SAM R. SELLS, our sincere appreciation for the bill introduced by him in the Congress of the United States of America, providing for national prohibition; and

Resolved, That we also express our appreciation to our Senators, Hon. JOHN K. SHIELDS and Hon. KENNETH D. MCKELLAR, for the votes cast by them in favor of bills looking toward Nation-wide prohibition; and

Resolved, That we do urge upon them, as our representatives, to continue to exert their efforts in this cause, so that we may soon see the day when there will not be one licensed place in this country where intoxicants are made or dispensed; and

Resolved, That a copy of these resolutions be forwarded to Senator SHIELDS, Senator MCKELLAR, and Congressman SELLS, and that a copy of same be inserted in the record book of the Sunday school.

Passed May 20, 1917. Signed this 30th day of May, 1917.

MUNSEY MEMORIAL SUNDAY SCHOOL,
E. MUNSEY SLACK,
Superintendent.

Attest:

W. LEWIS SMITH, Secretary.

Mr. VARDAMAN. I have received from Mrs. Julius Crisler, acting State chairman, of Jackson, Miss., resolutions adopted by the Mississippi Branch of the National Woman's Party, which I am going to ask to have printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Whereas our allies England and Russia are enfranchising their women in time of war; and

Whereas American women are being called upon for service and for sacrifice in a war "for democracy, for the right of those who submit to authority to have a voice in their own government"; and

Whereas we can not consistently fight for this principle of democracy abroad until it has been established within our own borders: Therefore be it

Resolved, That we, members and friends of the Mississippi Branch of the National Woman's Party, in conference assembled at the Carroll Hotel, Vicksburg, this 1st day of June, 1917, urge the immediate passage of the Susan B. Anthony amendment, submitting the question of suffrage for women to each State at the next session of the State legislature; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; to Hon. CLAUDE KITCHIN, majority leader in the House of Representatives; to Hon. E. Y. WEBB, chairman of the Judiciary Committee; to Senator JAMES K. VARDAMAN, with instructions that it be read into the record of the Senate; to Senator JOHN SHARP WILLIAMS; to Representative JAMES W. COLLIER, with instructions that it be read into the record of the House; and to Representatives EZEKIEL S. CANDLER, HUBERT D. STEPHENS, BENJAMIN G. HUMPHREYS, THOMAS U. Sisson, WILLIAM W. VENABLE, PAT HARRISON, and PERCY E. QUIN.

Mrs. JULIUS CRISLER,
Acting State Chairman.

Mr. SMITH of Maryland presented petitions of sundry citizens of Baltimore, Md., praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Home Missionary Society of Mount Vernon Place Methodist Episcopal Church, of Baltimore, Md., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the faculty and students of Simmons College, Boston, Mass., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. JONES of Washington presented petitions of sundry citizens of Eatonville, Summit View, and Walla Walla, all in the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pierce County, Wash., praying for the "conscription of large incomes," which were referred to the Committee on Finance.

Mr. KNOX presented petitions of sundry citizens of Pennsylvania, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Bennington, Vt., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. FRELINGHUYSEN presented petitions of sundry citizens of Atlantic City and Metuchen, in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Trenton, North Hudson, Millville, and Orange, all in the State of New

Jersey, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

Mr. LEWIS. Mr. President—

The VICE PRESIDENT. The Senator from Illinois.

Mr. LEWIS. I should like the attention of my honored friend, the junior Senator from Ohio [Mr. HARDING].

Mr. CUMMINS. Mr. President, a parliamentary inquiry. What is the regular order?

The VICE PRESIDENT. The presentation of petitions and memorials.

Mr. CUMMINS. Does the Senator from Illinois rise to present a petition or a memorial?

Mr. LEWIS. The Senator from Illinois rose to present a matter of public print which he can not call a petition or a memorial.

Mr. CUMMINS. I should like, Mr. President, to have the regular order pursued until the morning business has been concluded.

Mr. LEWIS. Mr. President, I can not offer opposition to the request of the Senator from Iowa. I will resume at the conclusion of the morning business, with the consent of the Senate.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. There is on the calendar Order of Business No. 13, the bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes. I ask that the bill be taken from the calendar and recommitted to the Committee on Military Affairs. I make the request at this time, as I desire to report back immediately the bill from the committee. The subject has been under consideration by the Committee on Military Affairs for some time, and the fact that some of the provisions of the bill now on the calendar are already included in the Army legislation that has been enacted has necessitated some further amendments. Therefore I ask that the bill be recommitted to the Committee on Military Affairs.

The VICE PRESIDENT. The bill will be recommitted to the Committee on Military Affairs.

Mr. CHAMBERLAIN. I desire to report back favorably with amendments the bill and ask that it take the same place on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

LANDS ON ROCKAWAY POINT, N. Y.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 1852) authorizing the Secretary of War to transfer to the city of New York the title of the United States to certain lands in Kings County, State of New York, and I submit a report (No. 50) thereon.

The bill was introduced by my colleague [Mr. CALDER], and accompanying it is a letter from the Secretary of War transmitting in turn a letter from the Chief of Engineers, United States Army. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there any objection?

Mr. CUMMINS. I ask that the bill be read before the request is passed upon.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer to the city of New York, in partial consideration for the transfer to the United States of the city's right and title to certain lands on Rockaway Point, the title of the United States to the reservation on Plumb Island, in the town of Gravesend, in Kings County, State of New York, and containing an area of approximately 50 acres.

Mr. OVERMAN. I desire to ask the Senator from New York, Is there any reason why the bill should be passed to-day?

Mr. CALDER. The War Department has requested that it be passed. It has to do with the exchange of some property that the city owns on the site of the great Fort Rockaway, which protects New York Harbor.

Mr. OVERMAN. Is it an emergency measure?

Mr. CALDER. I think it is. The Federal Government is trying to perfect its title to the property in Rockaway, and this is part of the property involved in the transaction.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS ON WAR-REVENUE BILL.

Mr. SMITH of Arizona. From the Committee on Printing I report back favorably with an amendment Senate resolution 74, submitted by the Senator from North Carolina [Mr. SIMMONS] on the 26th ultimo, and at the request of the chairman of the Committee on Finance I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 3, before the word "copies," to strike out "2,000" and insert "1,550," so as to make the resolution read:

Resolved, That the Committee on Finance be, and is hereby, authorized to have printed for its use 1,550 copies of the hearings before said committee on the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 2401) for the relief of retired commissioned war-rant officers detailed on active duty; to the Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 2402) authorizing and directing the President to commandeer distilled spirits now in bond for the manufacture of munitions and military and hospital supplies, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

A bill (S. 2403) to promote the improvement of rural education; to the Committee on Education and Labor.

By Mr. SHAFROTH:

A bill (S. 2404) to conserve food products for the Army, Navy, and people of the United States during the war with Germany by preventing the use thereof in the manufacture of intoxicating liquor, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. JONES of New Mexico:

A bill (S. 2405) for the relief of Grant County, Luna County, and the town of Silver City, N. Mex.; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 2406) for the relief of Odin M. Hansen (with accompanying papers); to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 2407) to provide compensation for employees of the United States separated from the service on account of injuries received while in the performance of duty, and for other purposes; to the Committee on Education and Labor.

A bill (S. 2408) granting an increase of pension to Pascal F. Rainwater (with accompanying papers);

A bill (S. 2409) granting an increase of pension to Charles S. Lavanway (with accompanying papers);

A bill (S. 2410) granting an increase of pension to James S. Foster (with accompanying papers); and

A bill (S. 2411) granting an increase of pension to Ernest Kiene (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2412) authorizing Brig. Gen. Theodore A. Bingham, United States Army, retired, to accept the decoration of the Legion of Honor of France; to the Committee on Foreign Relations.

By Mr. CHAMBERLAIN:

A bill (S. 2414) for the restoration of J. Shelley Saurman, assistant surgeon, United States Navy, retired, to the active list of the Navy (with accompanying papers); and

A bill (S. 2415) granting an honorable discharge to Douglas Spracklen; to the Committee on Naval Affairs.

A bill (S. 2416) for the relief of the legal representatives of W. H. Mills, deceased; to the Committee on Claims.

(By request) a bill (S. 2417) for the protection of the owners of mining claims and of desert-land entrymen in time of war; to the Committee on Public Lands.

By Mr. KNOX:

A bill (S. 2418) for the relief of James Russell (with accompanying paper); to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 2419) granting an increase of pension to Scott Thompson; to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 75) authorizing a survey and examination of the Rio Grande border of the United States to determine the advisability of constructing a highway either along the entire border or certain sections thereof; to the Committee on Military Affairs.

DESECRATION OF THE FLAG.

Mr. POMERENE. I introduced a bill to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America, to apply to the entire country. At the last session of Congress a bill was passed applying to the District of Columbia. Many of the States have laws bearing upon the subject, but I am advised by at least one United States district attorney that they are not broad enough to cover all desecrations, mutilations, and misuses of the flag.

I ask that the bill be referred to the Committee on Military Affairs, and I indulge the hope that the committee will soon be able to report it favorably.

The bill (S. 2413) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America was read twice by its title and referred to the Committee on Military Affairs.

WAR REVENUE.

Mr. GORE. I submit a series of amendments to House bill 4280, the war-revenue tax bill, and ask that they be printed in the RECORD and referred to the Committee on Finance. I desire to say that I am preparing an additional amendment which, taken in connection with these matters, will consummate the object in view.

There being no objection, the amendments were referred to the Committee on Finance and ordered to be printed and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: On page 39, line 5, strike out the words "a tax of \$1.10 on each proof gallon, or wine gallon when below proof," and insert in lieu thereof the following: "a tax of \$5 per proof gallon, or wine gallon when below proof, on such distilled spirits which have been in bond for a less period than five years, and on such spirits which have been in bond for a longer period than five years a tax of \$5 per proof gallon, or wine gallon when below proof, and an additional dollar for each additional year that such spirits have been in bond."

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: Insert the following as a new section:

"Sec. 3004. In addition to the tax imposed on distilled spirits by existing law and under the preceding section of this act, there shall be levied, collected, and paid on the materials from which such spirits are manufactured, after the approval of this act, the following tax: On all grain, cereals, and other edible products and materials, a tax of \$60 per 100 pounds, and on all molasses, sirups, or other fermentable products and materials, a tax of \$5 per wine gallon; and every distiller using any such materials shall keep such records and file such returns and bonds, and the tax shall be paid at such times and in such manner, and subject to such credits as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe or require: *Provided*, That the provisions of this section shall not apply to distilled spirits withdrawn free of tax under existing law or withdrawn and used exclusively for industrial, mechanical, medicinal, and scientific purposes, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe: *Provided further*, That such spirits shall not be withdrawn for export except upon the application of an accredited representative of a nation now at war with the Imperial German Government, in which application it shall be declared that such spirits are withdrawn for other than beverage purposes."

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: Insert the following as a new section:

"Sec. —. That in addition to the special tax levied by existing law on retail dealers in distilled spirits, as defined therein, there shall be paid, after July 1, 1917, by retail dealers in such spirits selling or dispensing of the same for beverage purposes, a special tax of \$5,000 per annum, and every such dealer, when proffering to pay such tax, shall file a declaration under oath, in such form as the Commissioner of Internal Revenue shall prescribe, which shall become a public record, and which shall declare the State, city, and lot, or other premises, in and on which the said retail business is to be conducted: *Provided*, That the lot may be changed and the tax receipt transferred under rules and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury: *Provided further*, That the revenues collected in pursuance of this section shall be paid over to the treasurers of the several States in which the same originates. The provisions of existing law with respect to the collection and payment of such special tax on retail dealers in distilled spirits and the penalties for violating the same are hereby adopted and made a part of this section in so far as applicable."

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: Insert the following as a substitute for section 303:

"Sec. 303. That on and after the passage of this act there shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half per cent, and not more than 24 per cent alcohol, brewed or manufactured and sold, or stored in warehouse, by whatever name such liquors may be called, in addition

to the tax now imposed by law, a tax of \$1.25 for every barrel containing not more than 31 gallons; and on all such liquors containing more than 2½ per cent of alcohol, a tax of \$5 for every barrel containing not more than 31 gallons; and at like rates for any other quantity or for the fractional parts of a barrel authorized and defined by law."

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: Insert the following as a new section:

"SEC. — That the President is authorized and directed to commandeer any or all distilled spirits in bond at the date of the approval of this act for redistillation, in so far as such redistillation may be necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such redistillation would dispense with the necessity of utilizing products and materials suitable for feeds and foods in the future manufacture of distilled spirits for the purposes herein enumerated. The President shall determine and pay a just compensation for the distilled spirits so commandeered, and if the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such spirits, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code."

AMENDMENTS TO THE PENDING BILL.

Mr. GORE. I submit an amendment to the bill S. 2356, the unfinished business, which I ask to have read.

The amendment was read and ordered to lie on the table and to be printed, as follows:

SEC. — Hereafter it shall be unlawful for any common carrier, or any other person or corporation, to ship, receive for shipment, transport, deliver, or receive in interstate commerce or in commerce among the several States distilled spirits except when such spirits shall have been withdrawn from bond free of tax under existing law, or shall have been withdrawn for scientific, mechanical, industrial, and medicinal purposes under rules and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Any corporation violating the provisions of this section shall, upon conviction thereof, be liable to a fine of not less than \$1,000 and not more than \$5,000, and any natural person and the officer or agent of any corporation violating the provisions of this section shall, upon conviction thereof, be liable, for the first offense, to a fine of not less than \$25 and not more than \$250, and, for a second or subsequent offense, shall be liable, in addition to such fine, to imprisonment for a period of not less than one month and not more than one year: *Provided*, That the words "interstate commerce" as used in this section shall be construed to include trade or commerce between any State and another State, or between any State and the District of Columbia, or between the District of Columbia and any State.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

WAR REVENUE.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. NELSON, it was

Ordered, That the papers accompanying the bill (S. 2180) to approve mutual cessions of territory by the States of Minnesota and Wisconsin, Sixty-fifth Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

STATUE OF SEQUOYAH.

Mr. OWEN submitted the following concurrent resolution (S. Con. Res. 4), which was read and referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the statue of Sequoyah, presented by the State of Oklahoma to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

2. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of Oklahoma.

"WAR MESSAGE AND FACTS BEHIND IT."

Mr. FLETCHER. I submit a resolution to print a pamphlet entitled "War Message and Facts Behind It," published by the Committee on Public Information. It is a very important document, and gives not only the war message of the President of April 2, but the facts behind the statement of the war message. It has been carefully prepared and edited, and I think it ought to have wide distribution. An estimate of the cost of the printing accompanies the resolution. Therefore it is in order, and I ask unanimous consent for its present consideration. Within the limit of \$500 we can have 45,000 copies of the pamphlet printed.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 81), as follows:

Resolved, That the pamphlet entitled "War Message and Facts Behind It," published by the Committee on Public Information, be printed as a Senate document, and that 45,000 additional copies be printed for the use of the Senate document room.

Mr. GALLINGER. Is that a report from a committee?

Mr. FLETCHER. It is not a report. I am simply submitting a resolution.

Mr. GALLINGER. But it has not been referred to a committee.

Mr. FLETCHER. No; it has not.

Mr. GALLINGER. I trust the Senator will allow the resolution to go to a committee, and it can then be reported.

Mr. FLETCHER. If the Senator desires that course to be taken, he has the right to object to the consideration of the resolution, and it would go to a committee. I think it is an important matter to have this pamphlet distributed as early as possible.

Mr. GALLINGER. I think the resolution had better take the usual course.

Mr. FLETCHER. Very well. I ask that the resolution be referred to the Committee on Printing.

The VICE PRESIDENT. The resolution will be referred to the Committee on Printing.

SAMUEL M. HERBER.

Mr. CUMMINS submitted the following resolution (S. Res. 80), which was referred to the Committee on Patents:

Whereas it is alleged that in denying to Samuel M. Herber a patent for a certain process in the production of gasoline a great injustice has been inflicted upon him and the persons associated with him; and Whereas it is further alleged that the decision is palpably contrary to the law, and that notwithstanding the ruling so made Congress ought to give relief to the said Herber: It is therefore

Resolved, That the Committee on Patents make full inquiry into the subject and report to the Senate as soon as practicable its findings thereon.

COL. THEODORE ROOSEVELT.

Mr. STONE. Mr. President, on May 17 last, while the Senate had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to what is known as the conscription or selective draft bill, I addressed the Senate on the conference report, and in the course of that address submitted some observations relating to Col. Theodore Roosevelt. It will be remembered that in the bill there was a provision intended to authorize this distinguished gentleman to raise a division of volunteers for service in the war in which we are now engaged. At that time and in that connection I made a remark which appears on page 11 of the document I now send to the desk, being a reprint of the speech I made on the occasion referred to. I desire to have the part I have marked printed in the RECORD without reading. Those particular remarks referred to the generally made and, I think, generally accepted statement that the regiment which Col. Roosevelt commanded was rescued by a negro regiment from a perilous situation into which he had led them.

I have recently received a letter from William H. H. Llewellyn, speaker of the House of Representatives of the State of New Mexico, relating to this matter. Mr. Llewellyn was a captain in Col. Roosevelt's regiment. He has written me a letter protesting that the statement made by me was not founded upon fact. It is a well-couched letter, in gentlemanly terms, and accompanied by an affidavit made by Mr. Llewellyn, setting forth certain facts, or what he states to be facts, covering the matter to which I had alluded. I feel obliged to ask the Senate for permission to have inserted in the RECORD this letter and affidavit of Mr. Llewellyn, as he asks me to correct the statement I made. At the same time, Mr. President, I am going to ask to have inserted several pages written by Mrs. Annie Riley Hale, covering the same subject matter, and some little additional matter, throwing light on the general subject, and which appears in one of her books.

I have marked in this book of Mrs. Hale's the part I desire to have inserted, to follow the affidavit of Mr. Llewellyn. I also wish to have inserted, following the excerpt from Mrs. Hale's volume, a letter addressed to her on August 29, 1912, by Charles D. Hilles, then chairman of the Republican national committee, and a communication to her of August 16, 1912, from George Eustis, and a further communication to her from the National Savings & Trust Co., of Washington, D. C., duly signed by one of its officers.

I should like to have all this matter go into the RECORD in the order named.

These letters from Mr. Hilles and others are to the effect that the Republican national committee circulated this volume of Mrs. Hale's, and thereby certified it to be the judgment of that committee that the statements therein were accurate.

I ask leave to have this matter printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Extract from Senator STONE's speech.]

Roosevelt is practically without military training. It is true that for a short time he did command a regiment in the Spanish-American War of 1898—a regiment of very brave men and willing fighters—and I do not deny that he led them courageously into battle, but he did not command them with judgment. As everyone knows, he got his men into a bad hole, where they were in imminent danger of being decimated and cut to pieces, and no doubt they would have been cut to pieces except for a negro regiment, under trained officers of the Regular Army, who came to the rescue and sheltered and saved him and them. By his own course in the only crisis of his brief and unimportant military career he demonstrated such a lack of poise and sound judgment as to make plain his unfitness to command even a regiment.

THIRD STATE LEGISLATURE,
Las Cruces, N. Mex., May 31, 1917.

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

MY DEAR SIR: The CONGRESSIONAL RECORD of the 17th instant contains your remarks concerning Col. Roosevelt, and, after reading same carefully, I have concluded to intrude upon your valuable time and call your attention to an erroneous statement which you made at that time. It was, in substance, that the colored troops had saved Roosevelt and his command during the progress of the Cuban campaign. This statement has been denied so often that one would think it was generally known to be false. Such men as Gen. Joseph Wheeler stamped it as being untrue. I presume your attention has never been called to the truth regarding this matter, and therefore you have inadvertently repeated what is not only false but a statement which has not even a slender thread to hang upon. Now, my dear Senator, if you could kindly have this matter corrected I would appreciate it very much. I do not write in a spirit of anger or criticism, but just desire to call your attention to the truth.

Very respectfully,

WILLIAM H. H. LLEWELLYN.

STATE OF NEW MEXICO,
County of Dona Ana, ss:

Personally appeared before me, the undersigned authority, William H. H. Llewellyn, who, being duly sworn, upon his oath deposes and says: That during the Spanish War of 1898 he was a captain and commanded Troop G, in the First United States Volunteer Cavalry, Col. Leonard Wood's regiment, afterwards commanded by Col. Theodore Roosevelt, and known as "Roosevelt's Rough Riders." Affiant further states that he was with said regiment during the entire Cuban campaign and commanded and participated with his troop in all of the fighting; that the statement that Roosevelt's regiment was rescued or saved from destruction or gotten out of a desperate situation by the colored troops is untrue and has no foundation in fact; that this is generally alleged to have occurred at the Battle of Las Guasimas. This battle was fought by a brigade composed of the Tenth Regular Cavalry (colored), the First Regular Cavalry, and Roosevelt's regiment, and was planned and carried out by Gen. Wheeler. The First Regular Cavalry was on the extreme right, the Tenth Cavalry in the center, and Roosevelt's regiment on the left, each regiment advancing from the seashore in separate columns to the west, where they attacked the Spanish entrenchments. A deep, wooded ravine separated the Tenth Cavalry from Roosevelt's regiment, and all three regiments encountered the Spaniards at practically the same time, as had been planned. Roosevelt's regiment did not come in contact with the Tenth Regular Cavalry during the fight, and neither at Las Guasimas nor at any other place was his regiment saved or extricated from a desperate situation by the Tenth Cavalry or any other regiment. Las Guasimas will be remembered as the battle in which Capt. Capron, Hamilton Fish, and Marcus D. Russell, of Roosevelt's regiment, were among the killed.

Affiant further says, and again repeats, that the statements made to the effect that Col. Roosevelt's regiment was saved from destruction or rescued by the colored troops or any other troops is wholly untrue. And affiant further says that Col. Roosevelt did not get his regiment into a position where it was necessary for anyone to save him or the men under his command. Further affiant saith not.

WILLIAM H. H. LLEWELLYN.

Subscribed and sworn to before me this 31st day of May, A. D. 1917.
[SEAL.] MAE McDONALD HAWLEY,

Notary Public in and for Dona Ana County, N. Mex.
My commission expires May 15, 1921.

[Extracts from Rooseveltian Fact and Fable, pp. 13 to 22.]

After some drilling and parading on American soil, by way of getting the spectacular brigade well into the public eye, we find the gallant Rough Riders "drawing first blood" in Cuba, at the ill-considered and prematurely fought Battle of Las Guasimas. As has been so often recounted, the Rough Riders under Wood and Roosevelt ran into an ambush on this occasion—Spaniards hidden in an old cemetery between the creek and the road—from which they were narrowly rescued by the timely arrival of the negro troops, this last having furnished the text for much reproachful oratory since the Brownsville affair.

As it was, 68 brave fellows went down before the unseen fire, 16 of them to rise no more. Among the slain was the gallant Capt. Allyn Capron, who had done more than anyone else to increase the efficiency of the Rough Rider Brigade. Reliable military historians relate that Gen. Wheeler, who commanded the Cavalry, had weakly yielded to the importunities of "the ardent young Roosevelt and others" in giving the order for this attack or "reconnaissance," thereby violating his own order from the superior officer to wait for Gen. Lawton with the Infantry. And that "rough old Gen. Lawton," coming up and seeing the blunder, "said some unpleasant things," bluntly charging the blood of Capt. Capron and the slain troopers upon this unauthorized haste.

Roosevelt received his first baptism of fire and blood at Las Guasimas, and having accomplished his purpose of securing for the "Rough Riders" the credit of having "started things in Cuba" it is not to be supposed he allowed the casualties of war to disturb his complacent reflections. There was more "glory" ahead. Panegyrist Rils says:

"All the way up it (the Rough Rider Regiment) had been the vanguard. . . . Ten days of marching and fighting in the bush culminated in the storming of the San Juan Hills, with Col. Roosevelt in full command, Col. Wood having been deservedly promoted after Las Guasimas."

The piece de resistance of all the Rough Rider exploits—as it exists in the popular fancy—was the assault on the Spanish entrenchments on top of San Juan Hill. This has been "sung in song and story" until it ranks in the annals of military glory with Pickett's charge up the Gettysburg Heights. It is a thankless task to show that, as a Rough Rider achievement, it more properly finds a place among Baron Munchausen's Tales, or in some standard work on mythology, yet such is the merciless showing of the facts. Let us first note the heroic fable. The New York Sun of date July 4, 1898, published the following vivid account of the San Juan charge:

"When they came to the open, smooth hillside there was no protection. Bullets were raining down at them, and shot and shell from the batteries were sweeping everything."

"There was a moment's hesitation, and then came the order: 'Forward, charge!' Col. Roosevelt led, waving his sword. Out into the open the men went and up the hill. Death to every man seemed certain. The crackle of the Mauser rifles was continuous. Out of the brush came the riders. Up, up they went, with the colored troops alongside of them, not a man flinching, and forming as they ran. Roosevelt was a hundred feet in the lead. Up, up they went, in the face of death, men dropping from the ranks at every step. The Rough Riders acted like veterans. It was an inspiring sight and an awful one. . . . The more Spaniards were killed, the more seemed to take their places. The rain of shells and bullets doubled. Men dropped faster and faster, but others took their places. . . . Roosevelt sat erect on his horse [all authorities now agree there was not a horse in the fight], holding his sword, and shouting for his men to follow him. Finally his horse was shot from under him, but he landed on his feet and continued calling for his men to advance."

"He charged up the hill afoot. It seemed an age to the men who were watching, and to the Rough Riders the hill must have seemed miles high. But they were undaunted. They went on, firing as fast as their guns would work. At last the top of the hill was reached. The Spaniards in the trenches could still have annihilated the Americans, but the Yankee daring dazed them. They wavered for an instance, and then turned and ran."

"The position was won and the blockhouse captured. In the rush more than half of the Rough Riders were wounded."

This vivid, glowing picture, with Roosevelt on horseback as the central figure, was copied in the press throughout the country, and the Russian military painter, Vereschagin, was inveigled into committing the salient details to canvas. Rils declares with ecstatic fervor that "it will live forever in the American mind" and cause a thrill in the American heart, unequaled by any other vibration before or since.

It really seems nothing short of sacrilege to mar this heroic picture in any of its inspiring details. Yet the clear, cold light of history, unimpaired of the pangs of the hero worshippers, has been steadily turned on this glowing battle scene, with the cruel result (to the worshippers) of completely eliminating the central heroic figure—horse and all!

The first to turn on the disillusioning stream was Senator Alger, in his "Spanish-American War," published in 1901.

On page 164 of Alger's History we read: "A part of the cavalry division which first attacked Kettle Hill did not advance on San Juan Ridge at the time of the assault by Kent's infantry division. The First Volunteer Cavalry, under Col. Roosevelt, as well as parts of the Regular regiments which captured Kettle Hill, did not join the infantry in its charge on San Juan blockhouse and that portion of San Juan Ridge to the left of Santiago Road, commonly known as San Juan Hill."

The "Kettle Hill" here referred to was a low, steep knoll, surmounted by a farmhouse and some huge iron caldrons—whence its name—to the right of San Juan Ridge, whereon were the main Spanish intrenchments, and separated from them by an open, grass-covered glade a third of a mile wide. "Kettle Hill" therefore presented the first obstacle to the American advance and was held by a skirmish line of Spaniards, who quickly gave way before the attacking force, consisting (according to Alger, p. 157) of "one squadron of the First Cavalry, the Ninth Cavalry (colored), and the First Volunteer Cavalry (under Col. Roosevelt), who all charged together over the crest."

And here, according to the best authorities, the gallant Rough Riders rested on their laurels. Having easily dislodged the Spaniards from this unimportant and slightly defended hillock, they calmly watched their comrades, the infantry division led by Hawkins and Kent, storm and capture the main Spanish position on top of the San Juan Hill.

Historian Alger, who was Secretary of War Alger when this history was in the making, very cleverly makes Historian Roosevelt himself corroborate his account of the disposition of the troops in this battle by citing an isolated paragraph from the "Rough Riders," pages 134-136: "No sooner were we on the crest of Kettle Hill than the Spaniards from their line in our front, where they were strongly intrenched, opened fire upon us with their rifles and two pieces of artillery. . . . On the top of the hill was a huge iron kettle, probably used for sugar refining. Several of our men took shelter behind this. We had a splendid view of the charge on San Juan blockhouse to our left and a third of a mile to the front, where the infantry of Kent, led by Hawkins, were climbing the Hill."

The average reader will wonder how he missed this tell-tale paragraph in Col. Roosevelt's book, which somehow or other conveys such an impression of Rough Rider valor and omnipresent activity that one forgets all other participants in the war and agrees with Mr. Dooley that the book should have been named "Alone in Cuba." Surely Historian Alger has made a mistake. We turn to the indicated page incredulously. No; there it is as quoted, securely sandwiched between Rough Rider acts fore and aft in the rapidly moving picture—paeans to right of it; paeans to left of it. Yet obscured as it is by the more important business (in the mind of the author) of glorifying the Rough Riders and completely lost, as it has been in all the shouting evoked by the publication of the myth, here is the statement in plain black and white from their gallant commander himself, that instead of leading the charge on the San Juan blockhouse the dashing troopers (including their commander) viewed it from behind the sugar kettle, a third of a mile away!

We never could have believed it upon any other authority, though other authorities are not lacking. The military reports of Gen. J. Ford Kent, of Capt. A. C. Markley, Henry Wygant, and Charles Dodge, of the Twenty-fourth Infantry, all of whom took part in the San Juan Hill charge, make no mention of Col. Roosevelt or the Rough Riders. Capt. Herbert H. Sargent's book on the Santiago campaign and Gen. Shafter's (commanding-general) report in 1898 establish the fact that Las Guasimas was a Cavalry fight, but that the victory at San Juan was due primarily to the Infantry.

Moreover, the Cavalry division was only one-sixth of the strength of the corps actively engaged before Santiago on this July 1, and the Rough Riders made up but one-fifth or less of the Cavalry. So that the whole Rough Rider organization counted not more than one-third of the strength of the Cavalry, and their commander, directing only about 500 men out of 16,000, could not have had any great influence upon the result.

Commenting on Roosevelt's statement that at a certain stage of the battle he "found himself at the front in command of fragments of all six regiments of the Cavalry division," John W. Bennett asks: "What had become of Wheeler, Sumner, and Wood, not to speak of the other brigade and regimental officers, many of whom, down to lieutenant colonel, must have outranked Roosevelt? Did they all think themselves in command of all six regiments? Participants in a battle rarely get the true historic perspective or properly gauge their own or the part borne by others in the fight. Disinterested civilians, like Bonsal, say the Infantry took the hill and the Cavalry came afterwards. This seems to be the fact."

It long ago became apparent to the country that there was not enough glory in that Spanish-American imbroglio to "go around." Barring the Sampson-Schley controversy and the Dewey parade, most of the participants—even including Richmond Pearson Hobson—have tacitly agreed that it served its highest mission in furnishing a convenient stage setting for the Rough Rider star actor, and to let it go at that. By the time the Fifth Army Corps were mustered out on Long Island in the summer of 1898, Theodore Roosevelt, commander of 500 men in an army of 16,000, loomed bigger than every living soldier in the Republic.

Such things are incredible and inexplicable to the understanding of the ordinary individual, but it is all clear as day in the mind of the press agent.

The New York Sun of June 28, 1908, under an editorial caption, "Once more the old fiction," calls attention to the recurring persistence of this San Juan Hill fable every time a Rough Rider dies (or gets himself arrested for disorderly conduct), citing a case in point—an obituary sketch of Lieut. Col. Augur, of the Twenty-fourth Infantry, who died at Fort Thomas, Ky., on June 25—and concludes by severely holding Roosevelt responsible for the wide circulation of the misleading picture and calls on him to "either suppress the picture or courageously change the mendacious title."

In view of its present attitude, it must make the Sun mighty mad to remember—or does the Sun remember?—that this "mendacious" picture of the Rough Riders' charge appeared in large type on its own front page on the morning of July 4, 1898. Ten short years make a wonderful difference in the point of view sometimes, but the Sun may take comfort in the thought that it is not the first or only great dispenser of truth who has been too hasty in enlightening the world.

Moreover, as appears from Mr. Roosevelt's own account of the San Juan battle, he did not claim to have led the charge on the blockhouse but distinctly states that he "viewed" it from the crest of "Kettle Hill," and as probably for one person who read the book a thousand read the newspaper story, perhaps the Sun's responsibility for the wide circulation of the mendacious account is greater than Mr. Roosevelt's.

True, the book (The Rough Riders) did not appear until 1900, after Mr. Roosevelt had been safely elected governor of New York—"on this war record," according to Leupp—and was on his unconscious way to the White House. True, also, that there is nowhere any mention of Roosevelt's having "courageously" denied this "mendacious" newspaper account during the gubernatorial campaign, which was "made on it," soothing his conscience, no doubt, with the mental reservation that he had at least told the truth in his book. As further experience of the Roosevelt conscience reveals occasions wherein it was appeased on much slenderer grounds, there is no special reason for carping in this instance.

After all, why should the Sun or any other ill-natured stickler for accuracy be raising a rumpus now about the facts in this bit of Spanish-American history, when Mr. Roosevelt has been enjoying the substantial benefits of the popular fiction for 10 years?

Certainly it is not with any thought of undoing what has been done, or of depriving Mr. Roosevelt of the fruit of his toil. It is only interesting as a striking instance of the curious and ingenious fashion in which a fable has donned the garb of truth to serve the needs of Roosevelt, and as throwing considerable light on Rooseveltian methods early in his career.

In 1902, Mr. Roosevelt being President, Vereschagin, the famous Russian painter of war scenes, came to Washington, and taking up his abode at Fort Myer began his now celebrated painting of the San Juan Hill charge. By whose order or upon whose initiative this was done no one now living in Washington appears to have any knowledge. There are residents who "remember that an effort was made to induce the Government to buy the picture," but by whom this effort was made no one will undertake to affirm. Certain old newspaper correspondents of Washington remember vaguely seeing the painting "while it was on exhibition at the White House," but the White House ushers are all afflicted with confusing recollections. "It may have been there, or it may not," is the baffling reply to all queries. Inquiry of William Loeb, Jr., as to "when this picture was at the White House" elicited the illuminating response that he "has no idea where the picture is now, nor whether any copies of it are extant in Washington." Diligent search in various quarters has failed to discover any "copies" of the painting in Washington.

From a Fort Myer employee the writer learned that the picture was sent to New York after Vereschagin's death in 1904, and sold for \$10,000. This Fort Myer employee, who was on the spot when the painting was being executed, further vouchsafed the information that the work was done mostly "under cover," the artist not inviting public inspection; that he (the Fort Myer attaché) had seen it only once, and was struck with the equestrian figure of the President in the center; that the President came several times to Fort Myer during the progress of the painting and was in consultation with the artist.

Perhaps by this time the President had forgotten the details of the battle which he had put into his "Rough Rider" annals; perhaps familiarity with the sight of that horseback figure in the thick of the fray had convinced him of its truth; perhaps, like Rils, he had learned to "love the picture," and, as we have learned by this time, the President is notoriously "short of memory." The artist Vereschagin might have unfolded a tale to set all doubts at rest, but he did not tarry long in this country after finishing this masterpiece, and thereafter very prudently got himself drowned on board a Russian battleship at the siege of Port Arthur, thereby escaping likely membership in the "Ananias Club."

This San Juan Hill picture, in what it represents, and taken in connection with Historian Leupp's statement that it secured the governorship of New York, is a conspicuous and fitting illustration of the

sort of foundation on which was reared this fair structure of Rooseveltian greatness and fame.

REPUBLICAN NATIONAL COMMITTEE,
New York City, August 29, 1912.

Mrs. A. R. HALE,
6 West Sixty-sixth Street, New York City.

DEAR MRS. HALE: In accord with the request of Mr. George Eustis, of Washington, I inclose 45 slips for the sending out of 4,500 copies of Rooseveltian Facts and Fables. These slips are addressed to the State chairmen of 45 States, and 100 copies of the book are to be sent in each package.

Thanking you for your kind attention, I am,
Sincerely yours,
(Inclosures.) CHARLES D. HILLES.

NEW YORK, August 16, 1912.

DEAR MRS. HALE: I inclose my check for \$500 in part payment for 5,000 copies of your book as agreed between us, leaving \$750 to be paid on delivery of the book.

Yours, sincerely,

GEORGE EUSTIS.

WASHINGTON, D. C., September 25, 1912.

Mrs. A. R. HALE,
6 West Sixty-sixth Street, New York City, N. Y.

DEAR MADAM: In accordance with instructions received from Mr. George P. Eustis we inclose herewith check to your order for \$1,000.

Very truly, yours,

NATIONAL SAVINGS & TRUST CO.,
By P. A. GALLEHER.

OWNERSHIP OF FREIGHT CARS.

Mr. SMITH of Georgia. I have a few lines, which have been printed in a morning newspaper, which I send to the desk and ask to have read. They contain, as I think, information that is very interesting and valuable.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NATION TO OWN FREIGHT CARS.

NEW YORK, June 7.

Supplementing present governmental control of the railroads, the National Council of Defense has completed plans to buy 100,000 freight cars, to be actually owned by the Government and operated on all railroads of the country. The cost of this Government-owned equipment will be \$150,000,000.

It was learned to-day practically every car builder in the country has been summoned to Washington to attend conferences where the problem of facilitating the building of these cars was discussed.

The council, it is stated, has been informed by railway authorities that nationalization of the roads will prove ineffective unless more equipment is provided.

U. S. HOSPITAL SHIP "SOLACE."

Mr. CALDER. Mr. President, I ask unanimous consent to insert in the RECORD the report of the committee appointed by the Secretary of the Navy to investigate the charges made by the sailors in the measles ward on the U. S. hospital ship *Solace*, which I recently read in the Senate. This request is made so that the report of these gentlemen may be given the widest possible publicity. At the time that the round robin was read I made it clear that I had no personal knowledge of the conditions, but was calling it to the attention of the Senate with the hope that the matter might be thoroughly investigated and those guilty punished if the charges were true, and if untrue the fact be made known to the country.

I am glad that I presented the round robin to the Senate, and am equally pleased that so eminent a committee as Dr. Welch, of Johns Hopkins Hospital, of Baltimore; Dr. Flexner, of the Rockefeller Foundation; and Mr. Nathan Straus, a distinguished merchant of New York City, was selected to investigate the matter. Their report indicates that at the time of their examination many of the conditions complained of did not exist. The committee states that, in their judgment, the men making the charges considerably exaggerated them.

It is to be regretted that the committee were unable to personally interview all of the men who signed the round robin. Before they left Washington I offered to give the names to the junior Senator from Virginia [Mr. SWANSON], acting chairman of the Committee on Naval Affairs, if he would guarantee that the men would suffer no injury. He was unable to give me this assurance, but subsequently the members of the committee wired my hotel requesting the names. This telegram, however, was not received until they had returned to Washington.

I am pleased with the statement contained in the report of the committee, particularly as it refers to Admiral Braisted, of the Medical Corps of the Navy, and to Dr. Blackwood, in charge of the *Solace*, both of whom are eminent officers. Unquestionably the men complaining of their treatment were prompted to do so by the fact that the *Solace*, the only hospital ship in the Navy, was required to provide for over 100 sailors sick with contagious diseases when the ship was equipped to take care of only 30; and in the measles ward, from which the round robin emanated, where there were accommodations for but 10 sick men, there were over 40 patients at the time complained of,

The whole trouble comes from the fact that the Navy Department in establishing a base for over 25,000 men did not have hospital accommodations for 10,000.

It has been a matter of common knowledge that the department, through a policy of indecision, has permitted the service to get into such a condition that, with the immense expansion, it has required superhuman efforts on the part of the officers to keep the Navy in any sort of an efficient condition.

Mr. President, I want to make it clear here and now that my object in bringing this matter to the attention of the Senate was simply to establish the truth or falsity of the charges made by these 30 sailors aboard the *Solace*, not to injure or criticize unduly the Navy Department or the commander of this vessel. And I am very happy to learn that the commander of the *Solace* deserves no adverse criticism, but rather praise and commendation for handling so remarkably well the conditions, which were no fault of his own.

I realize, too, in these troublous times, that while our people should know of every failing which is detrimental to the best interests of the country—and that, incidentally, is why I opposed the proposal recently to censor the press—we should not unduly exercise or excite the people by accusations which are not well founded. I do believe, however, that the department should have fortified against an occurrence such as the one described, and I do most sincerely hope that prompt provision will be made to take care in the future of such an emergency.

The account of the report is as follows:

The Navy Department authorizes the following:

"The committee appointed by Secretary of the Navy Daniels to investigate the complaints of conditions aboard the hospital ship *Solace* made in a 'round robin' signed by 30 enlisted men, which was presented in the Senate by Senator CALDER, reports that some of the charges are untrue and others grossly exaggerated; that while the ship was overcrowded at the time of the complaints, there was no lack of care or medical attendance; that the patients suffering with different infectious diseases were carefully segregated; that the regulations in regard to sanitation were observed; and that the entire ship, including blankets, dishes etc., was sterilized after every trip to the hospital.

CONCLUSION AS TO "ROUND ROBIN."

"It concludes that 'the round robin was composed by one person, who wove into it complaints from various sources, and that most of it rests on gossip and hearsay.'

"The committee reports that there was 'no lack of kindness and intelligent care' on the part of Dr. Blackwood, the medical director in command of the *Solace*, or his assistants; that 'they were dealing with an unprecedented emergency, and in handling it they acquitted themselves admirably.' It concludes that Surg. Gen. Braisted, Dr. Blackwood, and Dr. Pickrel, medical director in charge of the naval hospital, and their assistants are 'all entitled to the highest praise for their devoted and untiring efforts and for the success which they achieved under extremely difficult conditions.'

SPENT A DAY ON "SOLACE."

"The committee, composed of Dr. William H. Welch, director of the School of Public Health, Johns Hopkins University; Dr. Abraham Flexner, secretary of the General Education Board and author of Medical Education in the United States and Europe; and Mr. Nathan Straus, the philanthropist, went to the fleet, where every opportunity for observation was afforded them, and spent an entire day on the *Solace*, cross-questioning the members of the staff and the patients and examining into conditions on the hospital ship. They visited one of the largest naval hospitals training station, and navy yard, inspected the facilities and sanitary conditions, and individually interviewed all measles patients, sick or convalescent, who had at any time been aboard the *Solace*. They also made a careful inspection of two battleships.

INTERVIEWED AT LEAST 190 PATIENTS.

"Altogether," the reporter states, "we had interviews with upward of 100 patients who were aboard the *Solace* or had been aboard the *Solace*, either at the time of the round robin, shortly before, or shortly after. We did not know the names of the persons who signed the round robin. In the course of the inquiry we identified three of the signers, among them the person who undoubtedly composed the round robin and procured the signatures to it.

"Patients and convalescents were questioned in the absence of officers and attendants. We assured them their names would not be mentioned, and we encouraged them to speak freely for the good of the service. It is our judgment that the men spoke without reserve. Indeed, throughout our inquiry, both on the hospital ship *Solace* and at the naval hospital, we observed that the men felt entirely free to talk of conditions under which they were living. There was no evidence whatsoever of fear or constraint.

CAPACITY OF HOSPITAL SHIP.

"The *Solace* is the only hospital ship in the Navy at the present time," the report goes on to say. "Its normal capacity is 228 beds, of which 30 on the upper deck are set apart for communicable diseases. These 30 beds or bunks are arranged in three separate wards which do not communicate with one another, one ward having 8 beds, one 10, and one 12. Connected with each ward is a lavatory with a basin with running water, and two of the three wards have separate compartments for washing dishes and other vessels. As the measles ward has no such compartment, the dishes used in it are washed on the outside in large pans.

"The three wards just described are well ventilated and serve their purposes excellently under normal conditions. The main part of the hospital—that is, the medical and surgical wards and the operating rooms—are on the deck below, and are models of their kind. The staff of the *Solace* consists of the medical inspector who is in command, assisted by an executive surgeon, an operating surgeon, an internist and specialist in genito-urinary diseases, a specialist in diseases of the eye, ear, nose, and throat, a laboratory chief, a dentist, a pharmacist and assistants, and, finally, the so-called apprentices, who are male nurses.

INCREASE IN PERSONNEL.

"Following the declaration of war there was an enormous and very rapid increase of the personnel of the Navy," the investigators point out. "Recruits from various parts of the country poured into the training camps, and thence into the fleet—at Norfolk as many as 700 or more a day. Soon a fleet population of 25,000 was gathered there. The new recruits were especially susceptible to the common infectious diseases. It happened that measles, mumps, and to some extent scarlet fever and cerebrospinal meningitis were more common and more widely distributed in the country at large than is usual at this time of year. The recruits passed through the training stations far more rapidly than in normal times, and under these conditions it was inevitable that there should be a large increase in the number of common infections. The existing facilities were therefore subjected to a tremendous strain.

THE "SOLACE" CROWDED.

"The war vessels had at once to transfer their infectious cases to the *Solace*," the report states. "The *Solace*, equipped to handle comfortably 30 infectious cases, had to handle at times more than three times that number. The pressure was most severe between the 18th and 21st of May, the dates covered by the round robin. On May 18 there were 72 infectious cases on board. Eight more were added on the 19th, 14 more on the 20th, and 7 on the 21st—101 in all—over three times the normal capacity of the hospital ship. It was impossible for the *Solace* to avoid congestion by more frequently transferring patients to the naval hospital. In the first place, the naval hospital was itself overtaxed, and the bungalows and the tents, which now enable the hospital to accommodate a largely increased number of patients, had not then been sufficiently provided. Again, on account of its operating facilities and its facilities for taking care of noncontagious medical patients it was important that the *Solace* stay by the fleet, avoiding as long as possible the loss of the time required for the trip to the hospital and back. It may be added that within the last few days an ambulance transport previously arranged for has been provided for the purpose of carrying patients from the *Solace* to the naval hospital.

STAFF WAS INCREASED.

"Immediately upon the increase of the number of patients to be handled the staff of the *Solace* was increased to 70. Cots and Army stretchers were as rapidly as possible provided and tents were erected on deck. At no time was there the slightest relaxation in the enforcement of strict sanitary precautions, with a view to preventing the spread of infections. That the precautions taken were effective is evident from the fact that both on board the *Solace* and at the naval hospital cross infections have proved to be extremely rare.

"The committee takes up seriatim the seven charges contained in the round robin and answers each separately, the charges and their conclusions being as follows:

THE CHARGES ANSWERED.

"1. When we were sent from our ships, lying at different points in the fleet base, we were compelled to carry our own baggage, with fevers ranging from 100 to 103 degrees.

"We find that patients are brought in a launch from the various ships in the fleet to the *Solace*, those who are very ill lying on stretchers, others occupying seats in the launch. Three officers of the *Solace* stand at the head of the gangway to receive the patients. Those who are able to carry their own bags up the gangway do so; those who are unable leave them to be removed subsequently by others. Occasionally they help one another. We were unable to find anyone, except the author of the round robin, who stated that patients 'were compelled to carry their own baggage.' Of the other two signers of the round robin, who, as has been said above, were identified, one stated that he 'knew of no general complaints about carrying bags,' that he himself 'was able to carry his own bag.' Another stated that he hardly felt sick at any time. The charge, therefore, of inhuman or unfeeling treatment in this respect is, in our judgment, absolutely untrue.

"2. Drinking water, very scarce. I had three glasses while on board (C. K. E.), and some men had only one glass apiece. I might add that there was no ice water and the water was very warm.

"Under ordinary conditions on board the *Solace* water is kept in a water cooler in each ward. This water has been cooled, but, except in very warm weather, does not contain ice. During the prevailing cool weather this spring the use of ice has not been considered necessary. For some unexplained reason the cooler in the measles ward was not in use during the period to which the round robin refers; instead, water was brought up by the apprentice from time to time in pitchers or drawn by the patients from the faucet in the lavatory. Most of the persons interviewed stated that they got all the water they wanted, and that in their judgment no one needed to go without water. On the other hand, it is evident that the apprentice was so busy waiting on forty-odd persons that he was at times not able to serve water promptly. A patient who lay in a bunk close to the one occupied by the author of the round robin and at the same time stated he 'had plenty of water and whenever he wanted it.' Another referring to the same subject stated that he 'could get a drink within 5 or 10 minutes after asking for it,' and that he 'did not always have to wait.' Sometimes he 'did not have to wait at all.' Several patients stated that sometimes 'the water was warm.' In our judgment the charge in reference to the drinking water is grossly exaggerated, and the implication of lack of care is entirely undeserved.

"3. The dishes used by men sick with measles were washed in lavatory, where vessels were standing around with germs of scarlet fever and mumps, which said germs were thrown in same receptacle used by men with measles; the dishes, forks, and knives were wiped with toilet paper.

WASHING OF DISHES.

"Two of the three wards have small apartments for washing dishes and other utensils. The measles ward has no such apartment. Orders require that the dishes used in this ward be washed in large pans outside on the deck. It appears that occasionally some dishes were, contrary to orders, washed in the wash basin, but it was, in our opinion, exceptional, and did not take place frequently enough to interfere with men who desired to use the basin for its proper purpose. In any case, the only dishes or vessels thus washed were dishes and vessels which had been used by men suffering with measles. The charge that 'vessels were standing around with germs of scarlet fever and mumps' in the measles compartment is impossible and absolutely absurd.

"4. All food was served to the men on one large platter, the motto of which was 'Help yourself or go without.'

FEEDING OF PATIENTS.

"Men in bunks are served on trays. For those who are up and about food is brought on large platters, each platter containing a separate article of food. In our opinion the method adopted in feeding

patients is the only one practicable, and is, indeed, entirely correct. We were unable to find a single patient, except the author of the round robin, who complained that he was unable to get food enough. The two other signers of the round robin, to whom we have already alluded, both reported that they themselves got food, but that they had "heard" that there were others who failed to do so. The neighbor of the author of the round robin stated that food was brought to him regularly and abundantly. Many others declared that they had never heard any complaints on this subject. The general trend of the testimony, and our own inspection, indicates that there is an abundance of food of excellent quality.

"5. Men who were sick were compelled to sleep on the deck with blankets (two). Many of these men had high fevers.

SLEEPING ARRANGEMENTS.

"At the time of the greatest congestion, to which the round robin refers, patients slept (1) in bunks, (2) on cots, (3) upon Army litters placed between the bunks. These litters rest on legs about 3½ inches high. Persons unaccustomed to the appearance of these litters might be deceived into thinking that those lying in them were lying on blankets on the deck. We found a few patients who stated that on the night of their arrival on the *Solace*, litters and cots having given out, they slept between blankets on the deck. As a matter of fact, under the circumstances no special harm could have resulted, but we are persuaded that the charge applies to so few persons as to be practically negligible.

"A patient who entered the measles ward on May 17, and is still there, stated that he had "never known or heard of anyone who slept on deck," showing how very unusual this must have been. Another patient stated, in reference to the "litters," "to look at them you would think they were on deck." This, indeed, seems to us the explanation of this charge.

"6. Blankets used by men with measles, mumps, and scarlet fever were piled up in one stack, and at night they were issued to the first ones who came for them. These blankets were not sterilized, and there were many risks taken by men of transferring disease to one another.

"This is much the most serious charge made—perhaps the only really serious one. We shall, therefore, discuss it very fully.

"In order to accommodate the overflow, four carefully separated tents were set up in the open-deck space. One of these tents is used for mumps, another for measles, and another for scarlet fever. Most of these patients are up and about during the day, but those convalescent from different diseases are carefully kept apart. When these convalescents arise in the early morning they fold their blankets and place them at the foot of the cot; later, apprentices and convalescents collect and pile the blankets separately. The author of the round robin stated that he himself "saw blankets indiscriminately heaped in a single pile." On inquiry it developed that the only occasion when he was out of the ward and on deck was on Sunday morning, May 20, about noon. He had, he said, left the ward for the purpose of hearing the music, and had lain down on a cot in the measles tent on deck, where he remained an hour. At this time, according to his testimony, he saw apprentices and convalescents carrying blankets from the foot of the cots, and making a single pile of them. As against this statement we have the otherwise unanimous statement of officers and scores of patients, who state that all those patients who were able to be up and about, arose at 7 o'clock in the morning, folded their blankets and had breakfast; and that the blankets were taken from the cots and piled up, at the latest, before 8 or 9 o'clock in the morning. Moreover, the author of the round robin pointed out to us the place where he lay on deck, from which place it was, as a matter of fact, impossible to see what he claims to have seen, even if it were going on. The charge that blankets were not sterilized is absurd. Every time the *Solace* discharges its patients to the hospital, the entire ship is sterilized, including blankets, dishes, etc. If the charge we are discussing were true there would have been cross infection among the patients on the *Solace* and in the hospital. In this respect, however, the record of the *Solace* and the hospital seems to have been extremely good. The failure to develop cross infections is, therefore, in itself a complete answer to the charge.

"7. Sick men unable to wash themselves went without for length of trip on U. S. S. *Solace* to the hospital at Norfolk.

WASHING CHARGE ANSWERED.

"We found two persons—the author of the round robin and one of the signers—who said they did not wash during the period of three to five days when they were on board the *Solace*, their explanation being that the washbasin in the measles ward contained dishes. With the exception of these two persons, we found no one who claimed that he was unable to wash, either for this or any other reason. The other signer of the round robin, with whom we spoke, testified that he washed every day, though he said he could not always get in the wash room when he wanted because there were so many other boys.

"Still another said: "The basin was all right for washing almost any time," and further, that he "had never heard any complaints about washing." In our opinion the two persons who stated that they were unable to wash properly found the lavatory occupied when they went to it for that purpose, and simply failed to repeat the attempt at another time.

"Attention should also be directed to the fact that the 30 persons who signed the round robin do not apparently all claim to have knowledge of all the charges.

"The round robin was composed by one person, who wove into it complaints from various sources. The signers evidently did not mean individually to indorse or stand for the whole of it. It is clear to us that most of it rests on gossip and hearsay.

SHIP DOCTORS COMMENDED.

"In conclusion, we may state that the persons sick on the *Solace* and at the hospital are not afraid and do not hesitate to complain. The general testimony is to the effect that they received what they wanted, needed, and asked for. Every one of the signers of the round robin stated that the apprentice in the measles ward simply could not do any better than he did. There was, in our judgment, no lack of kindness and intelligent care on the part of Dr. Blackwood and his assistants. They were dealing throughout the month of May with an unprecedented emergency, and in handling it they acquitted themselves admirably.

"In our judgment, Surg. Gen. Braisted, of the Navy, Dr. Blackwood, the medical inspector in command of the *Solace*, and his staff, as well as Dr. Pickrel, medical director, in charge of the naval hospital, and his assistants, are all entitled to the highest praise for their devoted and untiring efforts and for the success which they achieved under extremely difficult conditions."

ADDRESS OF SECRETARY OF THE INTERIOR LANE.

Mr. JONES of New Mexico. Mr. President, on June 4, a very notable address was delivered by Hon. Franklin K. Lane, Secretary of the Interior, before the Home Club of the Interior Department, Washington, D. C. The subject of the address was "Why do we fight Germany?" I believe that this is an address which every citizen of the United States should read, or should have the opportunity of reading. I therefore ask that it be printed in the Record.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The address is as follows:

WHY DO WE FIGHT GERMANY?

[Address by Franklin K. Lane, Secretary of the Interior, on June 4, 1917, before the Home Club of the Interior Department, Washington, D. C.]

"To-morrow is registration day. It is the duty of all, their legal as well as their patriotic duty, to register if within the class called. There are some who have not clearly seen the reason for that call. To these I would speak a word.

"Why are we fighting Germany? The brief answer is that ours is a war of self-defense. We did not wish to fight Germany. She made the attack upon us; not on our shores, but on our ships, our lives, our rights, our future. For two years and more we held to a neutrality that made us apologists for things which outraged man's common sense of fair play and humanity. At each new offense—the invasion of Belgium, the killing of civilian Belgians, the attacks on Scarborough and other defenseless towns, the laying of mines in neutral waters, the fencing off of the seas—and on and on through the months we said: "This is war—archaic, uncivilized war, but war! All rules have been thrown away; all nobility; man has come down to the primitive brute. And while we can not justify we will not intervene. It is not our war."

"Then why are we in? Because we could not keep out. The invasion of Belgium, which opened the war, led to the invasion of the United States by slow, steady, logical steps. Our sympathies evolved into a conviction of self-interest. Our love of fair play ripened into alarm at our own peril.

"We talked in the language and in the spirit of good faith and sincerity, as honest men should talk, until we discovered that our talk was construed as cowardice. And Mexico was called upon to cow us. We talked as men would talk who cared alone for peace and the advancement of their own material interests, until we discovered that we were thought to be a nation of mere money makers, devoid of all character—until, indeed, we were told that we could not walk the highways of the world without permission of a Prussian soldier, that our ships might not sail without wearing a striped uniform of humiliation upon a narrow path of national subservience. We talked as men talk who hope for honest agreement, not for war, until we found that the treaty torn to pieces at Liege was but the symbol of a policy, that made agreements worthless against a purpose that knew no word but success.

"And so we came into this war for ourselves. It is a war to save America—to preserve self-respect, to justify our right to live as we have lived, not as some one else wishes us to live. In the name of freedom we challenge with ships and men, money, and an undaunted spirit, that word "Verboten" which Germany has written upon the sea and upon the land. For America is not the name of so much territory. It is a living spirit, born in travail, grown in the rough school of bitter experiences, a living spirit which has purpose and pride and conscience—knows why it wishes to live and to what end, knows how it comes to be respected of the world, and hopes to retain that respect by living on with the light of Lincoln's love of man as its old and new testament. It is more precious that this America should live than that we Americans should live. And this America as we now see has been challenged from the first of this war by the strong arm of a power that has no sympathy with our purpose, and will not hesitate to destroy us if the law that we respect, the rights that are to us sacred, or the spirit that we have, stand across her set will to make this world bow before her policies, backed by her organized and scientific military system. The world of Christ—a neglected but not a rejected Christ—has come again face to face with the world of Mahomet, who willed to win by force.

"With this background of history and in this sense, then, we fight Germany—

"Because of Belgium—invaded, outraged, enslaved, impoverished Belgium. We can not forget Liege, Louvain, and Cardinal Mercier. Translated into terms of American history these names stand for Bunker Hill, Lexington, and Patrick Henry.

"Because of France—invaded, desecrated France, a million of whose heroic sons have died to save the land of Lafayette.

Glorious golden France, the preserver of the arts, the land of noble spirit. The first land to follow our lead into republican liberty.

"Because of England—from whom came the laws, traditions, standards of life, and inherent love of liberty which we call Anglo-Saxon civilization. We defeated her once upon the land and once upon the sea. But Australia, New Zealand, Africa, and Canada are free because of what we did. And they are with us in the fight for the freedom of the seas.

"Because of Russia—New Russia. She must not be overwhelmed now. Not now, surely, when she is just born into freedom. Her peasants must have their chance; they must go to school to Washington, to Jefferson, and to Lincoln, until they know their way about in this new, strange world, of government by the popular will.

"Because of other peoples, with their rising hope that the world may be freed from government by the soldier.

"We are fighting Germany because she sought to terrorize us and then to fool us. We could not believe that Germany would do what she said she would do upon the seas.

"We still hear the piteous cries of children coming up out of the sea where the *Lusitania* went down. And Germany has never asked forgiveness of the world.

"We saw the *Sussex* sunk, crowded with the sons and daughters of neutral nations.

"We saw ship after ship sent to the bottom—ships of mercy bound out of America for the Belgian starving; ships carrying the Red Cross and laden with the wounded of all nations; ships carrying food and clothing to friendly, harmless, terrorized peoples; ships flying the Stars and Stripes—sent to the bottom hundreds of miles from shore, manned by American seamen, murdered against all law, without warning.

"We believed Germany's promise that she would respect the neutral flag and the rights of neutrals, and we held our anger and outrage in check. But now we see that she was holding us off with fair promises until she could build her huge fleet of submarines. For when spring came she blew her promise into the air, just as at the beginning she had torn up that 'scrap of paper.' Then we saw clearly that there was but one law for Germany—her will to rule.

"We are fighting Germany because she violated our confidence. Paid German spies filled our cities. Officials of her Government, received as the guests of this Nation, lived with us to bribe and terrorize, defying our law and the law of nations.

"We are fighting Germany because while we were yet her friends—the only great power that still held hands off—she sent the Zimmermann note, calling to her aid Mexico, our southern neighbor, and hoping to lure Japan, our western neighbor, into war against this Nation of peace.

"The nation that would do these things proclaims the gospel that government has no conscience. And this doctrine can not live, or else democracy must die. For the nations of the world must keep faith. There can be no living for us in a world where the state has no conscience, no reverence for the things of the spirit, no respect for international law, no mercy for those who fall before its force. What an unordered world! Anarchy! The anarchy of rival wolf packs!

"We are fighting Germany because in this war feudalism is making its last stand against on-coming democracy. We see it now. This is a war against an old spirit, an ancient, outworn spirit. It is a war against feudalism—the right of the castle on the hill to rule the village below. It is a war for democracy—the right of all to be their own masters. Let Germany be feudal if she will, but she must not spread her system over a world that has outgrown it. Feudalism plus science, thirteenth century plus twentieth—this is the religion of the mistaken Germany that has linked itself with the Turk, that has, too, adopted the method of Mahomet. 'The state has no conscience.' 'The state can do no wrong.' With the spirit of the fanatic she believes this gospel and that it is her duty to spread it by force. With poison gas that makes living a hell, with submarines that sneak through the seas to slyly murder noncombatants, with dirigibles that bombard men and women while they sleep, with a perfected system of terrorization that the modern world first heard of when German troops entered China, German feudalism is making war upon mankind. Let this old spirit of evil have its way and no man will live in America without paying toll to it in manhood and in money. This spirit might demand Canada from a defeated, navyless England, and then our dream of peace on the north would be at an end. We would live, as France has lived for 40 years, in haunting terror.

"America speaks for the world in fighting Germany. Mark on a map those countries which are Germany's allies and you will mark but four, running from the Baltic through Austria and

Bulgaria to Turkey. All the other nations the whole globe around are in arms against her or are unable to move. There is deep meaning in this. We fight with the world for an honest world in which nations keep their word, for a world in which nations do not live by swagger or by threat, for a world in which men think of the ways in which they can conquer the common cruelties of nature instead of inventing more horrible cruelties to inflict upon the spirit and body of man, for a world in which the ambition or the philosophy of a few shall not make miserable all mankind, for a world in which the man is held more precious than the machine, the system, or the state."

ARTICLE BY ROBERT G. SKERRETT.

Mr. SHIELDS. Mr. President, I present an article which appeared in the Saturday Evening Post of May 12, 1917, by Robert G. Skerrett, on the subject of the fixation of atmospheric nitrogen. It contains a great deal of valuable information to the country in the present emergency with regard to the supplying of nitrogen both for war purposes, in the manufacture of munitions, and also to act in commerce as a fertilizer. I desire that the article may be printed in the RECORD without reading. I present it at this time because I think it is opportune; and, in view of certain facts, I brought it forward intending at the same time to submit a resolution asking for information from the Secretary of War as to why the nitrate plant provided for by the Congress of the United States had not been located, or at least for some information as to the progress the War Department is making in locating that plant. It is very closely connected with that subject matter and would go well with the resolution. I find that I have not the resolution with me in the Senate this morning, and I shall offer it on some other occasion.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

A BILLION A YEAR FROM THE AIR.

[By Robert G. Skerrett.]

A billion a year from the air! No, it is not a blue-sky mining scheme, but a thoroughly practicable proposition and a national economic necessity. In short, the purpose is to imprison free nitrogen. And this brings us to the \$20,000,000 appropriated by Congress last year for the establishment of a plant or plants for the fixation of atmospheric nitrogen—the product to serve our farm lands in times of peace and, during periods of hostilities, to aid us in the manufacture of munitions for national defense.

The public has heard a good deal during the past 18 months about the chemistry of warfare, and, to those that have heeded what has been said and written, it must be plain how large a part nitric acid plays in the preparation of explosives and military propellants for all sorts of ordnance. Most of the nitric acid used in this country is obtained by treating sodium nitrate, commonly called Chile salt-peter, which comes to us from an arid, barren region in Chile lying between the Pacific Coast and the foothills of the Andes.

According to the geologists this plateau section of South America originally lay below sea level and was gradually lifted above the surface of the Pacific Ocean. In this way an inland body of water was formed in the course of ages, and thus were pent up enormous quantities of marine vegetation. In time the salt water evaporated, the vegetation decayed, and nitrifying bacteria stored in the residuum increasing amounts of nitrogen drawn from the atmosphere. Because of this undisturbed process, continuing for eons, strata of nitrate-bearing earths are found containing as much as 95 per cent of sodium nitrate.

NITROGEN PLENTIFUL BUT SLIPPERY.

The importance of these deposits has been more and more emphasized during the last half century; and as far back as 1867 we imported 14,715 tons, then valued at something over half a million dollars. Up to the outbreak of the present war, Germany easily led the world in her purchases of Chilean salt-peter, but by the end of 1915 our shipments from those nitrate beds increased until our imports totaled substantially 535,800 tons—representing a money equivalent of \$20,400,000 in round figures. These data are interesting, because they bring out the fact that sodium nitrate to this amount is needful to meet the requirements of our industrial life to-day.

It is true that we get on an average \$15,900,000 worth of salt-peter annually from Chile, during the decade just before hostilities, so that the difference of late is plainly due to our increased output of munitions. Prior to that time, fully half of the yearly consumption of sodium nitrate was diverted to agricultural purposes and other essential peace-time uses.

Unquestionably there is enough salt-peter left in Chile to meet even present demands for decades to come, taking the lowest estimate of the resources; but the crucial question is: Can we count upon this source of supply when at war ourselves?

It has long been known that there were nitrate deposits in California, and until of late it was hoped that they might be developed. Investigation, however, by the United States Geological Survey has disclosed the fact that they are neither rich nor of such a character as to warrant working them commercially. Therefore, unless we can keep the trade lanes open to Chile, we must find means within our continental boundaries to provide us with nitrogen, in some fixed forms, that will enable us to do all that we are doing now with this elemental essential so indispensable to our national activities in many vital directions. Hence the Government's intention to draw upon the inexhaustible resources of our enveloping atmosphere.

We can not wait upon nature's age-long processes. We must imitate her through agencies that will achieve in days what she has accomplished in the course of centuries, and in order to understand at the start how this is possible, let us consider what the air about us has to offer in the way of nitrogen. To be precise, the atmosphere we breathe contains nitrogen to the extent of 78 per cent of its volume—the difference being principally oxygen. There rests upon every square mile of the earth's surface 20,000,000 tons of atmospheric nitrogen; and under normal conditions this would meet the annual

consumption for a period of quite half a century! The problem then is to capture and next to imprison in some substance this nomadic element. But before explaining how this is done, it would be well to have a fuller realization of nitrogen's function in the economics of human existence and general welfare in the way of national security.

Two great tasks stand out in the forefront of the struggle in Europe: The feeding of the people and the feeding of the guns. Ultimate success for either belligerent faction depends fundamentally upon these vital performances. People can not live without food and the guns can not be fired without powder. When the supply of either falls on one side or the other the fighting must come to a stop. But the people must be fed at all times, whether in war or in peace; and the cost of living always is determined by the bounty of the crops.

Foods are of many kinds, and so are explosives varied; but, analyze them as one will, there is ever present a percentage of a certain chemical element—that is, nitrogen. True, there are other constituents, possibly in greater proportions, and it may be asked, Why single out nitrogen for special mention? Simply because in Nature's workshop—the soil—and in man's munition factories as well, nitrogen is the one indispensable material that is the scarcest of those that are needed. The others are just as essential, but they can be had far more easily and abundantly. Indeed, they are commonly available in amounts sufficient to overbalance the nitrogen at hand.

Accordingly the supply of nitrogen is usually the first to give out, and when that happens production comes to a standstill, either in the soil or in the factory. In round terms, the fertility of the earth is broadly reckoned by the measure of its contained nitrogen. This is not theory but an established fact. For instance, land holding three-tenths of 1 per cent of nitrogen will prove very fruitful and, other things being equal, will produce anywhere from 30 to 40 bushels of wheat to the acre. A soil with two-tenths of 1 per cent of nitrogen will probably be good for about 25 bushels of wheat to the acre. If it contains but one-tenth of 1 per cent of nitrogen, the yield will be in the neighborhood of 15 bushels; but if this plant food be as low as one-twentieth of 1 per cent, the earth will be too poor to grow a profitable harvest.

But this element of life and growth is also an element of death and destruction; for all explosives, without exception, are nitrogenous compounds. Every pound of powder that has been fired on the battle fields of Europe was made through the agency of nitric acid; and nitrogen is one constituent of this corrosive liquid. A pound of smokeless powder requires 1½ pounds of nitric acid for its production, and that acid, when made from Chile salt-peter, requires 2½ pounds of Nature's sodium nitrate. Plainly, then, nitric acid is indispensable in the manufacture of the propellants for projectiles as well as for the bursting charges of shells, and without these explosives a nation can not fight.

HOW NITRATES FEED MEN AND GUNS.

Prior to the war Germany drew upon Chile yearly for something like 900,000 tons of sodium nitrate, and there is good reason to believe that fully 500,000 tons of this were utilized in the preparation of fertilizers for domestic use. German ships transported most of the salt-peter from the Chilean beds, and her enemies knew the economic significance of that traffic. One of the first acts of the entente allies was therefore to try to stop these shipments, not only to silence in this way the Teuton guns but to bring the peoples of the central powers to the point of desperate hunger. How nearly her foes have achieved this, in the case of Germany particularly, is becoming more evident as the weeks go on.

To make the situation clearer, so far as Germany's food problem is concerned, a few facts should be mentioned. The soils of Germany are by nature no better than those of the surrounding countries. Thirty years ago, by rotation of crops and by very careful cultivation, the Teuton farmers were able to garner from 18 to 20 bushels of wheat to the acre and only 15 bushels of rye. But immediately preceding the present conflict, thanks to the use of nitrogenous fertilizers, the cultivated acres of the fatherland were producing from 30 to 32 bushels of wheat to the acre and 25 bushels of rye. Three decades back, without recourse to this plant food, the oat fields produced 30 bushels to the acre, and in 1913 nitrogen fertilization brought up the crops to 61 bushels an acre.

The potato in Germany, just as it is here, is a fundamental element in the national diet. In the early eighties 130 bushels of potatoes to the acre was considered a prime yield, but by 1914 Chile salt-peter had made it possible to count upon an output of 210 bushels per acre. Germany did this while the seas were open to her; and because the same course was not followed by farmers in Russia, Austro-Hungary, France, and Italy, these countries, with similar if not better soils, did not improve upon their crops of 30 or 40 years ago. On the other hand, Great Britain, Belgium, and Holland, profiting by Germany's example, were able to increase the abundance of their acres anywhere from 50 to 100 per cent.

Prior to August of 1914 Germany was producing, by reason of her stimulated fields, 90 per cent of her normal food requirements, and she found it necessary to get from abroad only the modest difference of 10 per cent. However, in order to achieve this she imported 70 per cent of her nitrogen, which was capable of inducing many times its own weight in the form of food from the soil. That is to say, 1 pound of nitrogen, properly applied, increases the harvest of wheat, rye, barley, or oats by about 20 pounds of grain and 40 pounds of straw. In the case of potatoes, 1 pound of nitrogen will better the normal yield of these tubers by 85 pounds. By cutting off the external supply of nitrate of soda, Germany's enemies were bent upon robbing her larder of substantially 4,000,000 tons of grain or 17,000,000 tons of potatoes—thus reducing her self-sufficiency from a normal 90 per cent to about 65 per cent.

The real situation is made more evident if we bear in mind that the population of the German Empire in Europe was, in 1890, 49,475,000, and by the latest figures it has grown to 66,715,000, representing an increase in 27 years of 35 per cent. With her foreign food supply cut off and the fruitfulness of her soil greatly affected by a scarcity of nitrogenous fertilizers, sustenance for the 66,715,000 people was potentially cut down to what it was three decades back! These figures show Germany woefully handicapped immediately after the outbreak of war; but we shall see presently just how her engineers and technicians have striven to neutralize this disadvantage. Therein lies the lesson for us, for it is our purpose to profit by the present state of the art of fixing atmospheric nitrogen.

THE SHORTAGE.

As has already been said, 1 pound of explosives requires in its manufacture 1½ pounds of nitric acid. It is authoritatively asserted that Germany had on hand, when she declared war, a supply of explosives and a store of nitrates from which to make powder sufficient for one

year of hostilities. This was deemed the utmost length of the struggle. It was not more than a few weeks after the conflict began ere the Kaiser's military authorities awakened to the seriousness of the situation so far as munitions were concerned; and within a short span of months native chemists and engineers were doing their utmost to devise ways to increase the supply of nitrogen.

At that time the nation was producing about one-third of its normal requirements of nitrogen as a by-product from the coking of coal in recovery ovens. Inasmuch as discussion has been frequent regarding the capacity of by-product coke ovens here to furnish an adequate amount of nitrogen, it should be of interest to note what part they actually played in meeting Germany's wartime needs. A ton of coal yields in the recovery oven about 5 pounds of nitrogen, 1,500 pounds of coke, 60 pounds of tar, 17 pounds of light oil and 4,000 cubic feet of gas. To run ovens merely for the sake of obtaining nitrogen is obviously out of the question, because the other products must find useful employment or markets. Under normal conditions Germany's iron works consumed 50 per cent of her coke, but this industry fell off as the war continued, until the output dropped to only two-thirds of regular capacity. At the same time private consumption of coke decreased, notwithstanding the fact that the Government required public-service corporations and the like to use coke instead of coal for fuel. As a net result, coke production, with its by-products, diminished to 82 per cent of the normal. Thus, instead of adding to the nation's supply of nitrogen obtained in this way, Germany's coke ovens actually failed to produce their accustomed output.

This revelation is of deep interest to us. Up to 1915 the majority of the coke plants in the United States were equipped with the old-fashioned beehive ovens, and all the gas, the tar, and the ammonia—the latter rich in nitrogen—were wasted. To put us on equality with Germany prior to the war it would be necessary to substitute modern recovery ovens with condensation plants. To some extent this has been done in order to promote an American dyestuff industry. As matters stand now there are certainly not enough of these up-to-date coke ovens in service here to supply us with nitrogen in the form of ammonia to meet more than a quarter of our ordinary requirements, and from this source in the future it is debatable whether more than 50 per cent of our needs could be met. Therefore we shall probably have to do much as Germany has done.

The performances of the German commerce raider *Mocue* is fair evidence of the difficulties that would confront us if we had to depend upon Chile for the major part of our nitrates. Two or three vessels of this sort loose in either the south Atlantic or the south Pacific could utterly demoralize shipping bound to us with salt-peter. It was undoubtedly to prevent the entente allies from obtaining nitrate supplies that Admiral von Spee lurked with his squadron off the coast of South America, and his two memorable battles with the British showed how desperately determined he was to hold his station along the trade routes to Europe.

THREE PROCESSES.

When the Germans captured Antwerp they found there 250,000 tons of nitrate, which proved a windfall to them indeed. This sufficed to tide them over the critical period in which they were rushing to completion their plants for the fixation of atmospheric nitrogen. We probably have less than 250,000 tons in this country to-day, while Germany, when she took Antwerp, had in reserve 600,000 tons, and was able in the months following to import through neutral countries 200,000 tons more. But even so, within a year from the outbreak of war her entire resources of 1,050,000 tons of nitrates were used up.

How, then, was Germany able to utilize atmospheric nitrogen in order to make up her deficiencies? Her engineers and experts centered their efforts upon three fixation processes. These separate methods are known as the arc process, which burns air in an electric flame to form nitric acid in the end; the Haber process, by which compressed heated nitrogen and hydrogen gases are brought in contact with sponge platinum, which plays the part of a catalyst, thus producing ammonia; and the cyanamide process, which fixes nitrogen or imprisons it in a compound of fused lime and coke. The total production of all three in Germany, in 1914, was substantially 100,000 tons, but the exigencies of warfare compelled a tremendous difference in output. To-day the arc process, so it is said, is not used at all in Germany, but the Haber process is now producing 500,000 tons yearly, while the cyanamide process yields 600,000 tons in the same period. The by-product coke ovens are supplying 400,000 tons annually. That is to say, the Germans have at their disposal a total of 1,500,000 tons of fixed nitrogen.

Such has been the answer of Germany's engineers to the nation's call for indispensable nitrogen. But great as the result appears, the achievement is seemingly decidedly short of her needs. For while the present production of air nitrogen slightly exceeds the former imports of Chile salt-peter, yet it must be borne in mind that the military demands consume perhaps two-thirds of the supply, and agriculture receives only a moderate fraction of its needful plant food. No wonder that crop yields are greatly reduced and that a shortage of food confronts the empire.

While the arc process is not employed in Germany, where cheap electricity can not be furnished by abundant water power, still the method is of interest because it flourishes profitably in Norway and Sweden, and also owing to the fact that it represents the pioneer effort to achieve the fixation of atmospheric nitrogen by simulating nature's thunderstorms. The electric discharges of the air are duplicated in principle by the man-made arc, and in this way the associated molecules of oxygen and nitrogen in the air are brought together chemically. Prior to this action the molecules of oxygen and the molecules of nitrogen are neighbors, much as a mixture of different size shot. The intense heat of the electric arc inflames the two gases and from the union thus effected is born nitric oxide, a colorless gas.

As the temperature of the nitric oxide falls the gas combines readily with free oxygen and the result is a brown gas, technically termed nitrogen peroxide. Then follows the corrosive climax when the nitrogen peroxide is transformed into weak nitric acid. This is done by leading the gas into granite towers filled with fragmented quartz, and as the gas rises through this broken material it is met by falling water, imitating nature's rain. The water absorbs the gas and the fluid is thus converted into dilute nitric acid. Concentration is subsequently effected by evaporation.

The history of the arc process, which dates back commercially less than 15 years, is full of many ingenious efforts to overcome difficulties and to reduce the cost of production, but at best only partial success has been attained. This is evidenced by the fact that of the total heat developed by the electric arc not more than 83 per cent is utilized throughout the entire process. In Norway, where a horsepower year costs but \$1.96 for electric energy at the lowest figure and ranges from that up to substantially \$3, it is practicable to employ the electric arc in the fixation of atmospheric nitrogen, and in both Norway and Sweden

the Birkeland-Eyde process has been widely and profitably adopted. But even so, only 3 per cent of the heat of the arc is actually utilized in bringing about in the furnace the chemical combination between the molecules of oxygen and of nitrogen, and of the rest of that heat it has been possible to put but 30 per cent to useful work; this represents the equivalent of a current wastage of 67 per cent.

COMPARATIVE RESULTS.

Besides the Birkeland-Eyde process, perfected by Scandinavians, there is the Schoenherr system, developed by Dr. Otto Schoenherr, of Germany, and both of these methods have been utilized commercially in Norway; and, finally, there is a third arc process, which was invented by the Pauling brothers, of Austria. Judged by their respective outputs of nitric acid per hour for a given consumption of current, the Schoenherr process leads, with 75 grams of acid per kilowatt-hour; then follows the Birkeland-Eyde system, with 70 grams; and next the Pauling method, with 60 grams. The latter, however, has one characteristic feature which is distinctive; that is, the effective way in which it makes it possible to obtain stronger nitric acid from the concentrators.

To Americans, the Pauling brothers' invention is of interest because it has been tried out here within the past two years at an experimental plant in the South. Electric energy was furnished by the falling waters of a river, and the cost of that power was comparatively moderate, but a great deal higher than the price of such current in Norway, the country where the arc process flourishes. After some months, activities at this plant ceased and, under existing conditions, it is doubtful whether the factory could be called a national asset.

To-day, in the United States, it is not possible to obtain energy from a hydroelectric plant at a price anywhere near the Scandinavian figures. What may be done in the future is purely speculative and will depend upon the economical development of our vast, potential water-power sites. It has been estimated by experts of the Department of Commerce that these are capable of producing economically quite 25,000,000 horsepower, with greater possibilities if means of impounding the waters be adopted. At the present time probably not more than 6,500,000 horsepower, developed by hydroelectric plants, is in use. At Niagara Falls, for instance, the cost of a horsepower generated throughout one year ranges from \$12 to \$20, and a fair average price is in the neighborhood of \$17, at least on the American side of the river. Plainly, current at such a price can not be employed profitably in the fixation of atmospheric nitrogen by means of the arc process. This brings us to the two remaining systems whereby the electric current is helping Germany to solve her nitrogen problem.

THE CYANAMIDE PROCESS.

The Haber method need not be dwelt upon because it is controlled by the Badische Anilin-und Soda-Fabrik and is not at our disposal. But the cyanamide process, now operating so effectively in Germany, is available to us. An American concern is actually producing 64,000 tons yearly of cyanamide on the Canadian side of Niagara Falls. They established themselves in Ontario simply because they could not get electric current at a satisfactory figure on the New York side of the Falls. In 1915 imports from Ontario of calcium cyanamide and lime nitrogen amounted to 33,936 tons, while during 1916 the imports of the same materials reached a total of 60,379 tons, showing our increasing dependence upon these nitrogenous products both for fertilizer and as a source of ammonia for nitric acid.

The cyanamide process can rightly claim a very marked economic advantage over the arc process, because of its much lower consumption of electric energy. To put this in the words of one of the Government's foremost experts, Dr. Thomas H. Norton:

"At present one kilowatt-hour yields 17 grams of nitrogen in the form of nitric acid by the union of atmospheric nitrogen and oxygen under the most favorable technical conditions; it yields 70 grams in the form of calcium cyanamide from nitrogen, coal, and lime."

That is to say, the cyanamide process is more than 400 per cent cheaper than its earlier rivals of the electric arc. But this is not the whole story. Normally nitric acid is the form of fixed nitrogen for which there is the least commercial demand, and in that form it is difficult, if not dangerous, to transport to any considerable distance from the point of production. Ammonia and cyanamide, on the other hand, supply the majority of the requirements either of manufacture or of agriculture; and a distinctive characteristic of calcium cyanamide is the ease and comparative cheapness with which it can be converted at the places of consumption into either ammonia or nitric acid, as occasion demands.

Now, let us sketch briefly the manner in which calcium cyanamide was discovered, and then outline its present method of manufacture. It is a matter of common knowledge that calcium carbide is the product of lime and coal fused in the electric furnace. It is from calcium carbide, when saturated with water, that we get acetylene gas. The Boer War curtailed gold and silver mining in South Africa, and in doing so cut down the demand for cyanides, previously used there in large quantities in the extraction of precious metals from low-grade ores. In an effort to find a cheaper basic material from which to manufacture cyanide Prof. Adolph Frank and Dr. N. Caro, two Germans, discovered that calcium carbide would answer the purpose admirably.

They promptly realized that their ultimate product was not cyanide, however, but a substance which they appropriately termed calcium cyanamide—a new material; and it was not long after that ere it was learned that calcium cyanamide, rich in nitrogen, made an excellent plant food. Then began the development of an industry bent principally upon the fixation of atmospheric nitrogen in this form for the purpose of providing an artificial fertilizer. At the same time, additional investigations disclosed how readily calcium cyanamide could be transformed into nitric acid or into the intermediate product, ammonia. By heating calcium cyanamide with steam ammonia is given off, and the ammonia, when oxidized by a platinum catalyzer, is converted into nitric acid.

At Niagara Falls, where a company producing cyanamide is located, coal and lime are placed in an electric furnace, and by means of that high heat these raw materials are fused and thus converted into calcium carbide at a comparatively moderate expenditure of current. The calcium carbide, when cooled sufficiently, is ground up, and in that form presents a greater exposed surface for the absorption of nitrogen. Contact with nitrogen is not, however, effected by drawing upon the unmodified atmosphere. It is necessary to have pure or undiluted nitrogen for the fixation process. In order to separate the nitrogen from the oxygen, as they are associated in the air, powerful compressors are employed to liquefy the air. Inasmuch as the oxygen is heavier than the nitrogen, the latter, like steam, rises and passes off from the fluid, and by means of fractional distillation the two gases are separated.

LIME NITROGEN.

With a supply of pure nitrogen in a gaseous form, obtained in this fashion, the next thing is to bring the pulverized carbide and the nitrogen together. This is done by associating them in electric ovens, not furnaces; and when the heat is at the right height the pulverized carbide absorbs the nitrogen greedily and holds it. The stuff that comes from the ovens is in the shape of black hard cakes, and these, when analyzed, show 22 per cent of nitrogen. In the trade this is called lime nitrogen, and to prepare it for agricultural purposes this material is ground fine, partly hydrated to insure the decomposition of the 1 per cent of unnitrified carbide, and then oiled to render it dustless. When so treated the cyanamide is packed in sacks and is ready to be mixed as an ingredient in artificial fertilizers.

In substance this is what the German calcium cyanamide plants were doing before the outbreak of the war to help along the farmers, and since then those original plants and others that have been created are producing 600,000 tons of the fixed air nitrogen, now serving to provide powder and explosives in the first place and fertilizer for the farm lands when possible. The experience of Germany in peace and in war is of profound significance to America. Our principal source of nitrogen is, as Germany's was, Chilean saltpeter. As has been said, during the past 12 months we imported from Chile in the neighborhood of a million and a half short tons of niter, and certainly 60 per cent of this has been used for the manufacture of explosives, much of which has been shipped abroad. That leaves 600,000 tons to meet normal domestic consumption. If our traffic with South America be interfered with by a foe, we could not look confidently to Chile to supply us with sodium nitrate.

To-day nearly 20 per cent of the saltpeter imported is diverted to agriculture, and we can not afford to deny our fields this modest allowance of necessary plant food. Indeed, we have commonly neglected to give our acres anything like the measure of fertilizers that we should, and we are therefore far behind the more progressive of the countries of western Europe in this particular. To just what extent we lag is indicated by the following table, which is a fair statement of the case up to the present war, although the figures officially cover the period from 1903 to 1912:

Average yield per acre.

Country.	Wheat.	Oats.	Barley.	Potatoes.
	Bushels.	Bushels.	Bushels.	Bushels.
United States.....	14.1	29.6	25.3	94.2
Germany.....	30.1	51.9	36.3	194.4
Great Britain.....	31.7	44.3	34.7	202.8

How much fixed nitrogen we shall need to meet existing conditions it is not easy to determine, but it can not be denied that there must be a constant production of it to keep the fighting forces equal to their work and to enable the farmer to get what he should from his acres. It is a known fact that even the far-seeing Germans found themselves away off in their original estimates of the nitric acid, etc., that they would want, and it is equally certain that the war on several occasions came practically to a standstill on both sides because of lack of munitions. In order to prevent this, and also to obviate interfering with our chemical industries by commandeering the by-products of our coke ovens, Congress appropriated \$20,000,000 for a Government air-nitrogen plant. But this is only a beginning; it could not supply the equivalent of more than one-third of the amount of nitrogen which we have been obtaining of late years annually from Chile in the form of saltpeter.

German farmers heretofore have found it to their advantage to use artificial fertilizers, because for every dollar spent in plant food of this sort they have secured \$2 more of grain above the yield obtainable without this stimulant to growth. This explains in large part why both the German and the British husbandmen have uniformly surpassed our native farmers in making their acres fruitful. Why, then, does not the American farmer do likewise? Simply because his imported fertilizers cost him much more than they do his foreign competitors, and only native farmers who are experienced in the use of fertilizers, who know what kind to buy and how to use them to best advantage can make a profit at the present prices of these plant foods. On crops that yield higher acreage returns than cereals—for instance, cotton, which brings from \$20 to \$60 an acre instead of the \$10 to \$25 obtained with cereals—the case is somewhat different. One hundred per cent profit from the fertilizer investment is a rule on cotton, and even 200 per cent is common with the more skillful farmers, even at present prices.

PROFITS DUE TO FERTILIZERS.

Plainly, then, this question of an abundance of nitrogen garnered from the air by electrical processes is one of the utmost economic importance, and has a wider and more far-reaching significance than the mere provision against a military emergency. Our fertilizer bill runs annually now at substantially \$175,000,000, and this is applied in the following proportions: More than one-third to cotton; a third to truck crops, tobacco, fruit, and sugar cane; while nearly a third goes on cereal crops, principally in the Atlantic Coast States.

Under normal conditions Germany, with an area less than that of the State of Texas, uses about a third more nitrogen than we do. If we used nitrogen at the same rate as the German husbandmen we should consume, instead of \$88,000,000 worth of this plant food, seven times as much annually, or more than \$600,000,000 worth. But before we can do this economically the price of fixed nitrogen must be reduced to somewhere in the neighborhood of 60 per cent of the present cost. This can be done by recourse to the process on which Germany depends most; that is, the calcium cyanamide method. If we applied nitrogen upon the German scale to our soil, equivalent to about 10,000,000 tons of Chilean saltpeter yearly, the value of our crops would be increased easily \$1,000,000,000, leaving a net profit, on a basis of 60 per cent of the present cost for this fertilizer, of \$700,000,000.

Austria-Hungary, Canada, France, Germany, Great Britain, Italy, Japan, Norway, Sweden, and Switzerland all have their own factories for the fixation of atmospheric nitrogen, and why should not we? It is simply a matter of utilizing intelligently our available water-power resources. Next, it is essential that factories for this purpose be located where we have within easy reach plenty of lime, coal, and phosphate rock, for phosphate is likewise necessary to the soil. We have just such ideal combinations of physical advantages in several parts of the United States, and the present international crisis and the high cost of living make it evident that we can not afford much longer to postpone the establishment of numerous factories of this sort and

thus make ourselves absolutely independent of Chile's deposits of nitrate of soda. Surely it is worth our while in this way to draw nearly \$1,000,000 worth of value annually from the air. We can do it and we should do it.

BUREAU OF WAR-RISK INSURANCE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2133) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes, which were, on page 1, to strike out lines 8 to 13, inclusive, and lines 1 to 5, inclusive, on page 2; on page 2, line 20, after "shippers," to strike out the comma; and on page 5, line 6, after "eyes," to insert "or any two thereof."

Mr. SIMMONS. The amendments made by the House are minor ones, and to which there is no objection. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PUNISHMENT OF ESPIONAGE—CONFERENCE REPORT.

The VICE PRESIDENT. Morning business is closed.

Mr. OVERMAN. Mr. President, I had expected to call up for consideration the conference report on what is known as the espionage bill, but certain Senators have asked that the matter go over to-day. I therefore give notice that I shall ask the Senate to proceed with the consideration of the conference report at the close of the morning business to-morrow.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of Senate bill 2356, being the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

PARTISANSHIP AND PATRIOTISM IN CONDUCT OF WAR.

Mr. LEWIS. Mr. President, I rise to submit an observation to the Senate and to ask the attention of the eminent Senator from Ohio, the junior Senator from that State [Mr. HARDING]. I am moved to this by a paper just now placed in my hands—the Ohio papers, of Columbus, Ohio, of May 31.

Mr. President, a few days ago the eminent junior Senator from Ohio moralized with very interesting effect upon what he thought, or what he charged to be, a partisan attitude that I had taken in a speech made by me at Manchester, N. H. This speech was made in a contest known as an election for Representative in Congress for that district. The able Senator at that time seemed very much disturbed because, as he contended, my speech indicated an element of partisanship, or, to use the words of the Senator, "that at a time when we are teaching the world democracy, we might pause to teach our democracy a little less partisanship."

I did not know then to what purpose my eminent friend arose; I did not know what particularly was his purpose, whether it was to visit upon me deserved castigation or present himself as a model of conduct. I could not tell, as his effort came to a termination so quickly. I was left uninformed; it may be to my great advantage, sir, that it came to sudden halt; but in view of the theory advanced by the able Senator, and his attitude of heart exposed of how we should avoid anything that partook of partisanship at this particularly patriotic hour, I desire to call the eminent Senator's attention to his speech made in the city of Columbus, Ohio, and his utterances on Memorial Day. I tender these from his friendly organ, the Ohio State Journal. I ask the Senate to note the occasion and the expressions. I first refer the distinguished Senator to the luncheon tendered him by the ladies—of course, we who know him can readily understand that wherever he would be, there could not be failure of tribute from the ladies, and at that luncheon—

Mr. HARDING. Mr. President—

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LEWIS. I will yield to the Senator just as soon as I make an expression.

Mr. HARDING. Merely in the interest of accuracy of statement, I want the Senator to understand that there was no such thing.

Mr. LEWIS. Does the Senator mean to say when he says "there was no such thing," that there were no ladies or no luncheon? [Laughter.]

Mr. HARDING. That there was no luncheon.

Mr. LEWIS. Mr. President, the technical distinction of the Senator I may have to adopt. It appears that it was a reception tendered him, and I regret that the conditions were such at the reception that there was no form of refreshment that could be termed luncheon. I am led to the conclusion that there

was another kind, which we might term delicately "beverage." I refer now to what I wish to allude to, the Ohio State Journal headline:

Liberty bond idea is hit by HARDING—Senator brands campaign "hysterical and unseemly"—Gives views on suffrage—Scouts sentiment that United States is fighting German rulers and not the people.

The article proceeds, quoting the Senator, saying:

Senator WARREN G. HARDING, at a reception yesterday afternoon at the Hotel Deshler, given in his honor by women of the Just Government League of Columbus and primarily designed to draw from him his opinion on State and National woman suffrage, took occasion to dwell critically on some phases of the war situation.

The liberty bond campaign he terms "hysterical and unseemly" and calculated to give America's enemies the impression that only by such intensive measures could she raise the sinews of war.

He scouted the popular sentiment that the United States is fighting the head of the German Empire, not the people, and spoke of the "fascinating devotion of German citizens to their Government."

Mr. President, this was on Memorial Day. The eminent Senator had gone forth at the request of his people, I assume, in view of the statements in the paper which has just been handed to me—to appeal to his people to return again to that reverential hour when they could pay tribute to those sacrificing souls who in patriotism had poured out their blood for this Nation. Yet when the eminent Senator is called to a gathering in his honor by the ladies where he might express himself upon the all-pervading question of suffrage, he finds it agreeable to convert the occasion into a criticism of the methods of the Democratic Secretary of the Treasury, who at that time, let it be remembered, was just from the West and going toward the East on a policy of campaign inaugurated with the object of stimulating the purchase of these bonds. These bonds, it will be recalled, were securities tendered to our country in turn for the money of the citizens that we might have this money for defraying the expenses of our national defense, to pay for supplies, and to sustain our soldiers.

Notwithstanding this was the patriotic object of the visit of the Secretary of the Treasury, the learned and eminent Senator from Ohio, the leader of the Republican Party in Ohio, who has long since characterized the town of Marion, whence he comes, with his eminence, and now the State with his reputation—the distinguished Senator from Marion, the distinguished and eminent representative of the Republican Party here in the Senate, finds it agreeable to convert the Memorial Day occasion into an opportunity where he may condemn, in his official position the methods adopted by the officials of his Government for the sale of these bonds for the needs of his country. There upon that solemn occasion and before the world he characterizes the efforts of the women of the land, before whom he was then being honored, to sell these bonds as "unseemly," and the effort on the part of the Secretary of the Treasury as "hysterical," and places his seal of condemnation upon these efforts and thus denounces them as unworthy.

Mr. President, it must be very clear to the eminent Senator that had this been a Republican Secretary of the Treasury no such condemnation would have come from his lips. It was only the method of the Democratic Secretary of the Treasury that could be so characterized by the Senator with satisfaction to himself. Surely it must appear to the eminent Senator that when he characterizes these methods as being unworthy, this condemnation is calculated to paralyze the results, to defeat the purposes, to make impossible the realization. It could only cause the people of his own State to deplore the methods adopted to sell the bonds and, far from rewarding these efforts with success, it would impel all to withdraw their patronage.

Therefore, sir, upon Memorial Day my eminent friend, who was so sensitive and tender in respect to the speech I made at Manchester in an election contest, characterizing it as having too much of partisanship, finds it agreeable on Memorial Day, at a luncheon by sacrificing women, to tender his renowned presence and his official voice in condemnation of the Democratic Secretary of the Treasury, and to place his barrier against the advance of the sale of these bonds; and no doubt, by these influences of voice and position, did much to bring about that which I read now from the Columbus, Ohio, Evening Dispatch, headed:

Columbus is more than million shy in its bond sale—Five million dollars is goal set with only 15 more days left—HARDING is criticized—"Better to have hysteria now than following failure of loan," says Kelley.

Then the article says:

Columbus is almost a million and a half dollars behind in its quota of subscriptions to the liberty-bond loan. But 15 days remain in which to raise the full amount, \$5,000,000.

Secretary J. A. Kelley, of the local liberty-bond committee, announced on Thursday that total subscriptions to the loan amount to only \$3,843,500 to date. "The showing is most unsatisfactory to the committee," said Mr. Kelley, and renewed efforts must be put forth.

The loan committee was surprised and not a little displeased with the utterance of Senator WARREN G. HARDING, characterizing the liberty-bond campaign as "hysteria."

"A statement of this kind coming from a United States Senator, of all persons, at a time like this, is, to say the least, in bad grace," said Secretary Kelley Thursday.

"Senator HARDING evidently does not realize what a tremendous task it is to raise \$2,000,000,000. If he holds thorough organization and wide publicity to be 'hysteria,' we are tempted to think that he has not had much experience in selling bonds."

"If he thinks the campaign is hysterical, it is better to have hysteria now than to have it brought about by failure of the bond issue on the 15th of June."

Mr. President, the eminent Senator from Ohio had his heart greatly moved, his nature greatly disturbed, and his sense of standards very much destroyed because I had made a speech in Manchester, in an ordinary political contest, because, as he contended, it was tinged with too much partisanship; unconscious, as he must have been, that as he was to follow me at Manchester, whatever good I might do, or whatever harm, would naturally be wholly neutralized by the effect of his oration which was to follow me in one of his usually unparalleled and perfect performances upon such occasions. [Laughter.] But I do submit to the eminent Senator whether he feels that upon the solemn occasion of Memorial Day, when an assemblage of Democrats and Republicans must have honored him, when the great patriotic soul of Ohio must have contributed its tribute to his presence, he should have chosen such occasion for making an assault upon the methods adopted by the Democratic Secretary of the Treasury to sell these bonds, and thus, as is certified by one of his own fellow citizens, so discourage the sale by characterizing the methods as hysterical and unseemly?

What other method would the eminent Senator substitute? What other method did the eminent Senator offer? What particular policy would he now suggest to take its place, and what benefit would the eminent Senator say could come from a speech delivered on Memorial Day, addressed specifically, acutely, and adroitly from such an eminent source against the Democratic Secretary of the Treasury for that he was a Democrat seeking to make a success of the affairs of his Government?

May I remind my eminent friend, so sensitive over partisanship, that utterances less in their effect than these given vent by him, from persons of lesser position, are to-day being answered for by processes citing them toward the jails on the ground of seditious speech or sentiments disloyal?

Mr. President, I know the Senator is in nowise seditious. I know he is in nowise disloyal; and while he could not forego upon this occasion the deft political allusion that we, the Democratic administration, had refused to let Theodore Roosevelt take a volunteer troop to Europe, and by that in his utterances in Ohio upon that day appeal to our political adversaries known as the Progressives, that they may feel kindly toward him in espousing their great leader, or to that other element known as the volunteers who might have been inclined to the volunteer system—while sir, my eminent friend could not decline to insert that delicate scimitar thrust, so adroitly delivered and so accurately placed, in the heart of the Democracy on that particular occasion, from which no doubt it bled almost to its death [laughter]—I am sure he will recognize that it was not essential in order to accomplish this purpose that he should have likewise placed his barriers of obstruction against the sale of bonds and put such a discouragement upon the people of his own State that they were compelled to complain of the partisan attitude of my eminent friend upon a matter that should have called for his most abounding patriotism and spontaneous cooperation.

Mr. President, it may be, sir, that much of that we might excuse and find it a mere ebullition of speech or burst of temperament or the yielding to the magnetism of the situation by my eminent friend. He was surrounded by this bevy of beauty and those tantalizing influences of beauteous women. This is ever disconcerting. He may by this have been upset and delirious. The lesson we can draw from that is that hereafter his personal pulchritude and manly beauty should avoid those surroundings that no doubt often threaten him and often tempt him to disaster. [Laughter.] But I must say to the eminent Senator that if this were all and this effect that he produced unintentional, as he is a loyal citizen, a patriotic Senator, and an able statesman—all of this I am glad to certify, notwithstanding the eminent Senator felt that it was his duty to sit in false judgment upon me and tender here in the Senate his criticism of some utterance of mine—I do not complain. I recognize that the eminent statesman of Marion shall hereafter be known as the Mentor from Marion. Yet sir, I must say to the eminent Senator that as harmful as were these utterances against his country's efforts, all made upon this sacred day, Memorial Day, when we would have imagined that every impulse would have been to solace wounds, to draw together

the spirit of patriotism, to mollify past hatreds, and in every wise to harmonize discordances, I ask my eminent friend if he does not think another utterance of his upon that occasion was more calculated to do injury far beyond his measure?

He is reported in both papers to have said that he scouts the charge or the assertion by the President of the United States that we are fighting the Kaiser and not the German people. The eminent Senator tells the Ohio people that it is the German people we are fighting, not the Kaiser. In Ohio, Mr. President, where there is such a large population of German people, and to whom we have sent out the message through our President that our warfare is against the Kaiser, against the despotic military tyranny of Prussia, and not against the German people, hoping that we might have the German people of Ohio, the German people of Illinois, the German people of all the West, of all America, recognize that it was not against them that we were fighting—for as against them we had no issue, for as against them we have no offense, seeking to bring them toward us, have them cooperate with us, feel kindly to our motives, join us in our undertakings—does not the Senator from Ohio feel that upon Memorial Day, upon an occasion where I know it was to his heart's original purpose to summon all his fellow citizens in one great cause to the support of his country; that it was rather a regrettable bit of partisanship that he indulged in innuendo merely that he might strike at the Democratic President, who was the author of the expression, and from which source it went to this country, scaled by his official voice?

The Senator fell into a deplorable undertaking when he invited the German people in Ohio—the German people in the West—to assume that the President of the United States was really fighting them; that America was fighting them; that it was not true that it was only fighting the Kaiser. Did he not unconsciously invite all the Germans then to awake to a new conviction which was that we had leveled war against them? That it was not their Kaiser that we were fighting, but it was the German people that we were fighting. That it was the German people's duty to resent it and to strike back. Will not my eminent friend feel that merely because he sought to condemn an utterance of the President of the United States, either to show its fallacy or disclose some impropriety, he summoned the German people to awake to the fact that it was his certificate, his testimony, as a United States Senator, that the United States was fighting the German people? Did not the Senator summon these German people by his potent voice to retaliate, to resent, and where they had been heretofore composed in the feeling that we had regarded them friendly and still were their friends, not fighting them, my eminent friend, the distinguished leader of the Republican Party from Ohio, that he might achieve his object at that time of a sly, alert, and hidden thrust at the President of the United States, led these German people of Ohio to the first conclusion they ever had that our war was against the German people—the German people of Germany, the German people of America, the people of Germany, the people of German descent everywhere? That these it was we had struck against. Does not the Senator feel that he brought all the other German people in the United States who are relatives of the German people of Germany to feel that the war was against them, and that therefore their duty was to fight the United States? And in what way could they resent our fight more quickly than to refuse to subscribe for these bonds with their money, which my eminent friend, to gratify a partisan sensation that suddenly stole upon him, said was being sold or attempted to be sold through methods he characterized as unseemly and hysterical? Contemplate the result he has brought already upon his own State, upon his own country.

Surely my friend must recognize that when he compares the speech I made at Manchester in an election contest, which so wounded him because of a tinge of partisanship, with this utterance which he made on Memorial Day in Columbus, or when he measures the great effect that must have followed his utterances from the great eminence he occupies and the influence he exerts, and then makes comparison to that which I have said, surely his bosom reflects the expression of young Hamlet to his impeached mother:

Look here, upon this picture, and on this.

I say to my able friend, for whom we all have great respect, that hereafter whenever the spirit moves him to administer to me a dose of patriotic physic I trust that he will pause and reflect upon the Scriptural injunction:

Physician, heal thyself.

Mr. HARDING. Mr. President, the Senator from Illinois does me such vast credit and courtesy that, I think, perhaps it would be prudent on my part to allow the Record to stand

without making any retort. If he had really desired to illumine the Record and place in its columns a bit of wholesome American patriotism, I commend to him the memorial address which I delivered in the capital city of Ohio on that day, copies of which are readily available.

Out on the Sandusky plains, Mr. President, from whence I come, we are committed to a policy which makes it impossible for me to reply in detail regarding the interview with the delegation of ladies, because we are committed to the practice of never saying anything about an interview with ladies, collectively or individually, and I can neither boast nor reveal. I dislike to discuss a rather vagrant remark relating to the bond issue, which remark became a public utterance, though it was not so intended; but, since it has been brought to the floor of the Senate, I have no hesitancy whatever in reaffirming it in my official capacity.

I have believed the liberty-bond campaign hysterical and unseemly. I have not wished to hinder it. I have only wished that I might make the conditions which would have made this seemingly hysterical campaign unnecessary, and I am hesitant to say on the floor of the Senate why it is so.

Mr. President, in normal times I am a partisan. In times like these I am hesitant to express my partisan impressions. If I were of a mind to do so, I could stand upon this floor to-day with criticisms well founded and substantiated by facts which would prove a sensation to the hundred millions of Americans who are on the anxious seat to-day; and, since the question has been raised and some justification seems necessary, I say to you that America, with an ability to buy seventeen billions of bonds on any day, is reluctant to buy because of its lack of confidence in the present administration. If some one could stand here and give requisite assurance to the United States of America concerning the plans for financing this war, in the way of taxation, there would not be five days of delay in providing for an oversubscription of the liberty-bond issue.

I have not meant to be ugly in my reference to the hysteria. There is very eminent authority for the use of that word over a little unseemly excitement. It is only about three years since the distinguished Executive of this country, noting the anxiety of the American people about some preparedness for defense, when the world was aflame with war, pronounced the desire for American preparedness "hysteria." It would have been well if we had taken the situation more seriously then.

But I am more particularly interested in the later criticism of the Senator from Illinois. * * * In a patriotic address, breathing the devotion to country which I feel, as does every other Member of this body, with a prayer for re consecration of American citizenship, I did say this, and I choose to repeat it here: That it is not up to the United States to force democracy onto the world; that it were better that by our own proof that democracy can defend itself we make the ideal example which shall enlist the devotion of the world to the cause of democracy. That is the substance of my thought.

Mr. President and Senators, now that the question has arisen, I beg to detain the Senate for a moment on that particular subject. It is only a few days since the distinguished Senator from Illinois, official apologist on this floor at needed times for the administration, made the statement in this body that it was very unfortunate that the President did not have his manuscript with him at the time of making a very notable speech. In that speech the President said that we were not in war because of any particular grievance of our own. In another speech the President has said, and beautifully said, that we want to make the world safe for democracy. I subscribe to that sentiment, Senators; but I want to say to you men who are responsible for government in these trying times that you can not justify this war and you can not unify the American people in the defense of the American Nation except on the justifiable ground of defending and preserving American national rights. If I were in any place other than the Senate Chamber of the United States, where one might speak with a little more freedom than the courtesies of this body require to be observed, I would say that much of the sentiment uttered concerning our part in the war is balderdash.

I delight in the collateral issues involved. I believe in democracy just as much as any man on this floor. I can find my heart thrilled with the thought of this great Nation taking its part in the maintenance of human liberties and the safety of the liberty of the world, and I am not a little impressed by the part of this great Republic in making sure the guaranties of the best civilization the world has ever known. But nations called upon to fight must have a more defensible reason than even these ideals; and the one defensible reason for the United States of America, back of which every Senator can array himself and back of which

every American citizen can and will array himself, no matter whence he comes, is the defense of American national rights, the safety of American lives, the maintenance of American honor, and our freedom to participate in the commerce of the seas. You can go to the people with that declaration and find an unflinching response in every American heart.

I have heard talk about the dethronement of the houses of Hohenzollern and Hapsburg until I have wearied of it, not because I have any sympathy with either house. I could welcome the establishment of democracy in Germany as readily as any man on this floor; but I call your attention, Senators, to the fact that there is no likelihood of its establishment there; and if it be treason to say it I repeat it now—I can not wish for anything more loyal from the citizenship of the United States of America than a devotion to the Stars and Stripes, like the German citizen shows to the Fatherland; and there is not an ounce of pro-German sympathy in my body. I should like American devotion similar to that which the people of Germany show to the Government of that country; and I say it now, and I will repeat it again and again, it is not any business of the American people what class of government any nation on earth may have so long as that government respects the requirements of international law and the tenets of civilization. I think it ill becomes the United States of America to measure a man's patriotic devotion in accordance with his determination that the houses of Hohenzollern and Hapsburg shall be destroyed.

Mr. President, I yield to no man on this floor in a devotion and a willingness to serve these United States of America. I wish I might do my part to establish a little more popular confidence in the Government in trying times like these. I will not revert to the question raised in the discussion on the placing in the Record of the speech of the Senator from Illinois, in New Hampshire. I performed that simple duty here, because I felt that it was unfair to say to any American citizen that his party preference must be put aside now if he chooses between the Kaiser and the President of the United States.

Why, Mr. President, if it were a question of patriotism rising above partisanship in New Hampshire, in a district which has been Republican, with one exception, since the organization of the party, it would have been the seemly thing for the party now in power to have omitted any nomination whatever and joined the party which is dominant in that district in sending a Republican to the lower House of Congress, whom the administration could have relied upon to support it in these trying times; but, of course, it is not the usual thing that those of us who are in political contests should stop to consider the proprieties in the beginning of the contest. We preserve parties for the days which are to come.

I know all about this whole proposition of standing by the President. I am frank about it. As long ago as 1900, I think, when those of our party were seeking to reelect to the Presidency that lovable and kindly leader from my own State, the late William McKinley, it was a very ordinary thing for us and a very helpful thing to cry, "Stand by the President." That is a very well-established practice on both sides of the political fence, always adjusted according to the party which is in power.

I remember in 1914, when I was a candidate for election to the Senate, a very distinguished American came to my State, representing the party then in power, and he said in my own city, which delighted me very much, "HARDING is a very decent chap personally, but you can not afford to send him to Washington in trying times like these; you want somebody who is going to stand by the President." Well, the voters of my State did not agree with him, and I came to Washington, and while I was standing by the President with my recorded votes in this body, the Hon. William Jennings Bryan, who issued that advice to the people of Ohio, was resigning because the administration would not conduct its affairs with Imperial Germany according to his notion of things; and thus it goes.

I do not want to bring the partisan question up, but I do want to renew, Mr. President, this serious and solemn statement at this time, that there are those in this Chamber who are day after day putting aside their partisan prejudices because they have the information, which might be expressed in calls for investigation, which would disturb the confidence of the American people of this day in the conduct of the war.

Mr. REED. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Ohio yield to the Senator from Missouri?

Mr. HARDING. Certainly; I yield.

Mr. REED. Mr. President, I regard a statement of that kind as much more damaging than any possible fact could be if laid bare in the Senate and to the country. The assertion that there is some condition so bad that if it were known it would startle

the American people is worse than a charge of a specific fact. I challenge the Senator to give us the facts.

Mr. LEWIS. Does not the Senator from Missouri feel that the Senator from Ohio should now, if he has any facts which if divulged could create a sensation or which if wrong should be corrected—do not the Senator from Missouri and the Senator from Ohio feel that this is the time now to give them, that the wrong, if any, should be corrected and that it might not longer be permitted?

Mr. HARDING. Mr. President, I could answer both the distinguished Senators if we only had the record of a secret session of this body some two weeks ago in which they were the most notable participants in the debate, but I will not be drawn into such a statement. It is not an extraordinary thing that in this country, emerging from the rutted course of peace into involvement in a great war, there should be conditions creating the greatest anxiety. I am not even pretending to say, Mr. President, that it is the fault of a party, because I am conscious of the fact that the party to which I belong was responsible only five years ago, and I will not be led by the promptings of interruptions and heckling in this body to make a sensational statement inclined to disturb American tranquillity. I much rather contribute to the popular confidence in this hour of need.

When I made reference to the hysteria on the bond question, I was not seeking to deter the sale of the liberty bonds, which I hope and expect to see successfully disposed of. There is not any question about that. If it were not unseemly, I would go into the details, but, Mr. President, I am unable to reach a conclusion that one who criticizes the reluctance or the tardiness or the hesitancy to subscribe to such an enormous bond issue is in any way expressing disloyalty or lack of devotion to our common country. Perhaps we are contributing more to that lack of confidence by employing the time of the Senate with this unseemly talk.

I have allowed myself to trespass on the time of the Senate, Mr. President, far beyond my expectation. I will only say in conclusion that by my ballots, officially recorded on this floor, and by my utterances on Memorial Day or on the stump or on the rostrum or elsewhere, I will measure my devotion to this country and support of the present administration with any man on either side of the Chamber, and I will be very glad to do so.

Mr. President, in the good humor of the moment I have enjoyed the sallies on the question of partisanship, and I have not sought to make a personal criticism in reply. I do say, however, that it is vastly more important that the Members of this body do the things which shall clinch anew the confidence of the American people in their Government and in its ability to undertake to carry to a successful end the mighty task that we have assumed.

I tell you, Mr. President, the American people have not yet come to realize one-half the seriousness and solemnity of the great task upon which we have entered, and I wish the Senate might turn from this unseemly discussion, in which I am an offender as well as others, and commit ourselves to doing those things which will, on the one hand, awaken the country and recommit it to the cause and at the same time contribute the material and practical means to bring about our successful participation in the war and bring it to a fortunate conclusion.

Mr. LEWIS. Mr. President, I very clearly recognize from the speech made by the able Senator from Ohio that many of the utterances which I introduced in a lighter spirit, certainly with no venom, were the birth of opportunity of oratory and occasion, and possibly not of deliberation; yet, Mr. President, I desire in a word—and I shall say but a few words at this time—to direct the attention of the eminent Senator from Ohio to this thought, of how we can bring America to the realization of this great conflict.

Mr. President, there is no man in this body more profoundly impressed with the truth that this Nation has not waked to the consciousness that we are at war than am I. I have just returned from the great Central West, the throbbing heart of which is my home, Chicago. That city is more representative, I presume to say, of all the nationalities engaged in this conflict than any other locality in the United States; but, sir, might I not submit to the Senator, how shall we invite our countrymen into union and accord in this controversy unless they shall behold eminent examples, such as the distinguished Senator and his colleagues offering them, sir, the spectacle of a united support and refraining from captious criticism even for the mere satisfaction of oratorical display or partisan advantage. I am a victim to the allurements of speech; I have no doubt we all are; but the hour is one depicted by the Senator to a degree further than he measured. It is now the time when men should restrain the inclination that doubtless the impulse leads them to, that they either serve partisan profit or the gratification of

personal pride, and cease uttering expressions that are so inclined in their effect as were those of the eminent Senator, to work the very result that I am sure he could not have intended, yet is apparent.

Now, sir, says the Senator, this country is surrounded with situations and conditions, one of which, says he, if disclosed, would produce a great sensation. The eminent junior Senator from Missouri [Mr. REED] invites by interrogation the consideration of the distinguished Senator to the fact that the very observation itself creates sensation. I rejoin, and I ask the eminent Senator from Ohio, Does he not realize that on tomorrow this same vice that seems to possess him, by which here he would likewise give utterance to cabalistic sentences, Delphic oracular, and undefined accusation, and unexplained equally demoralizing and distracting as those of which I complained this morning as made by him in Ohio—does he not, I ask, realize that on the morrow the public press of this country, sending from the eminent Republican leader, prospective nominee for the Presidency, an eminent gentleman who was once presented for that high office, chairman of the great Republican national convention, that he asserted in his eminent place that there were circumstances surrounding this Government which, if unfolded, would create such a sensation as to stir this body and our countrymen into fury or dismay, and that because of the apprehension of some of these things its confidence has been so shaken that mankind will not pause to consider their patriotic duty in connection with the purchase of liberty bonds, so weakening are the influences of these real and imaginary revelations? The eminent Senator must recognize on the morrow that 100,000 intelligent citizens of this land, each construing for himself what must be meant by the assertion, will carry within their hearts the belief that some great impending slander, either to party or scandal to country, is imminent, and that it is at any time likely to explode like a present lava-sealed volcano.

Mr. HARDING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LEWIS. Gladly.

Mr. HARDING. I insist that the Senator from Illinois shall not place in my remarks any implication of scandal.

Mr. LEWIS. Mr. President, if the Senator did not mean that, I am gratified, of course, myself to accept his denial; but he will realize that if Senators could have drawn from his observation that such was the lurking meaning of his accusation, how will the millions that will only read it, not having an opportunity to have heard it and observed the situation, construe it? Therefore, Mr. President, I then invite the able Senator's consideration to the effect of this utterance, so undefined and so unexplained. Mark it; ponder upon it.

I now go to the final conclusion of the eminent Senator's reply. I say to the Senator that it may be, aye, sir, so far as I am concerned it is sufficient cause for war that the imperial and military dynasty of Prussia killed my fellow countrymen without reason, murdered innocent American citizens upon the high seas, shattered their property, sent the spars of their sinking ships floating upon every vagrant water of the world, and then struck the flag of our Nation down in mourning for the death of the innocents before the world. To me that is enough, and the fact that the President of the United States finds it agreeable before the earth to add to this cause other reasons for this war can not move me from the unanimity of soul, from the determination of action to fight it, fight it from first to last by every method to command, by every agency and undertaking that can be called to its service, and here at home to summon every sinew in America. But, sir, how can we fight this war to a successful end except by a united people? First, sir, there must be the united people at home. In our country there are to-day the representatives of all the nations who are our allies. If the eminent Senator from Ohio will reflect, he will realize that if his viewpoint, as expressed by him, could be adopted and asserted officially and proclaimed as the doctrine of the United States now, the predicament of the soldiers of America would be perilous. If it should go forth, as the eminent Senator would have it, that we are not to make war for the freedom and democracy of France, what could we hope from France when our soldiers land on her soil? If France shall be brought to recognize that our soldiers are not to aid her in her cause, but are on her soil for the sole and selfish object of America's profit alone, what would be the fate of our noble boys in France? What hand in France would be extended to them? What heart in France would be offered to them? What cooperation in France could they obtain?

What shall be said, sir, of Italy, if it shall be given out that we are not to cooperate to obtain freedom and justice along the divid-

ing line of the irridenta country, where our soldiers must make their conflict? They would be received in Italy by a people who would recognize them as coming to maintain their selfish conflict, and not the conflict of democracy or the conflict of liberty for the world or for our allies. They would be rejected or neglected. They would be to Italy as intruders. We would be charged then, first, with bad faith; second, with a violation of our obligations. Then, sir, what attitude would our soldiers stand in in Europe? Unwelcome and resented, miles from their homes, thousands of miles from their hearthstones, far from mothers and friends, without a hand to be lifted for them, without a voice of favor, because we had deserted the cause of those for whom it had been supposed we had planted our flag there and swam there to maintain its creed and promise—justice and liberty. Surely the Senator must realize that, however satisfactory to him and to me, let it be said, the cause he would ascribe it is too late for that to be asserted now only as the only purpose of America against imperialism and military conquest.

There is Russia. Shall it be said at this time that we are not to give such aid to the emancipation of shattered Russia? Shall we give no assurance of effort to implant liberty in Russia? Shall we inform Russia by any course of action here that we have deserted her and abandoned our pledge of democracy to oppressed men? Sir, at that announcement Russia under any government would seek quick peace with Germany upon the theory that she had been deserted by her greatest democratic ally—America—and had nothing further to hope for. What, then would be our inheritance? Why, sir, merely to gratify the cry and theory of my eminent friend we would have hurled upon the troops of our allies millions of soldiers—certainly hundreds and hundreds of thousands—who were before held in check by the cooperation of Russia. All this would follow from the loss of her faith in us as cooperating in the cause of democracy for her, for her liberty, for her justice—

Mr. HARDING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LEWIS. Certainly.

Mr. HARDING. Will the Senator allow me to illumine his remarks with a couple of questions at this point?

Mr. LEWIS. Yes.

Mr. HARDING. Reading from the inaugural address of the President on March 5 last I take this paragraph:

That the community of interest and of power upon which peace must henceforth depend imposes upon each nation the duty of seeing to it that all influences proceeding from its own citizens meant to encourage or assist revolution in other States should be sternly and effectually suppressed and prevented.

And then, from the CONGRESSIONAL RECORD of the Sixty-third Congress, I choose to make this quotation from the same eminent authority, from an address delivered in the city of Indianapolis:

Now, there is one thing I have got a great enthusiasm about—I might also say a reckless enthusiasm—and that is human liberty. The governor has just now spoken about watchful waiting in Mexico. I want to say a word about Mexico, or not so much about Mexico as about our attitude toward Mexico. I hold it as a fundamental principle, and so do you, that every people has the right to determine its own form of government; and until this recent revolution in Mexico, until the end of the Diaz reign, 80 per cent of the people of Mexico never had a "look in" in determining who should be their governor or what their government should be. Now, I am for the 80 per cent. It is none of my business, and it is none of your business, how long they take in determining it. It is none of my business and it is none of yours how they go about the business. The country is theirs. The Government is theirs. The liberty, if they can get it, and God speed them in getting it, is theirs. And so far as my influence goes while I am President nobody shall interfere with them.

Mr. LEWIS. Mr. President, how aptly confirming my views is that speech quoted of the President. How grateful I must be to the eminent Senator for so valuable a contribution at such a timely moment, just as I was proclaiming the theory of this country to aid these oppressed lands in obtaining democracy. The eminent Senator reads the speech of the President in which he refers to 80 per cent of the people of Mexico as never having had a chance or, as he called it, "a look in." The people had been so oppressed and such forms of tyranny had been set upon them, their homes denied them, their lands confiscated, their natural privileges wrested from them, liberty refused them that the President's assertion then, as had been all his efforts, was to establish in Mexico a form of self-government, a democracy; but when it was established it was to be left to them as to the manner and method of its conduct. The eminent Senator fails to distinguish between establishing a government of democracy on the one hand and the governing of it after it is established on the other.

No one in this body disputes at all that the right of a government to govern itself in its own internal affairs is supreme. The eminent Senator must make clear to himself the distinction

between a country like ours aiding another land to democracy and interfering with its form of government after it has obtained self-government. Sir, if the eminent Senator be accurate in the standard he lays down, that no government should aid another in obtaining free government, then the interposition of France in behalf of America in 1775 was an intrusion and America's sacrifice in behalf of freedom for Cuba was an insolence; and, sir, the eminent Senator from Kentucky [Mr. JAMES] brings to my mind, by suggestion, that these splendid services to which I have just alluded were rendered under President McKinley.

The eminent Senator from Ohio has alluded to his friend, the eminent statesman, President McKinley. I had the honor to serve in public duty at the time he was President, and around me are gentlemen, now Senators, who were then with me Members of the other House. How well I recall how our eminent opponents rightfully condemned us—the Democrats—and indeed at the ballot box pilloried us wherever there was a suggestion of opposition merely for partisan warfare. "Stand by the President," was the cry; "do not interfere with the man whose hand is on the throttle." This was everywhere and at all times; and yet in the end, if the Senator from Ohio will but reflect on his last utterance, he will realize that we have through him told the world that there are eminent men here in this body—this the great cooperating agency of the President—who do not give their adhesion to the policy of the aid of America to these countries struggling for liberty, and do not approve the President's slogan of democracy for oppressed mankind. We will let them understand that there is not that cooperation with the President in his splendid design. We will by that utterance cause them to feel that, when the war is over and we are victorious, we will gather ourselves unto ourselves selfishly and alone and desert them, without regard to their cooperation with us in producing the victory, all because the eminent leaders of one of the great parties on this floor is opposed to this Government going further than its profit or its selfish objects for its own welfare would permit. For that reason I regard the position of my eminent friend as dangerous, if it should ever obtain, and destructive to the splendid result to which we are moving, if the President of the United States were ever to adopt it.

Sir, the President of the United States has laid down the doctrine that in this conflict, apart from the grievances from which we have suffered, we shall go forward to the liberties of the oppressed nations who are involved in the struggle. In the language of Holy Scriptures, our position is "Our hands lie to the plow; we shall not look back."

Mr. President, there is Ireland. Shall we leave the impression upon that great body of Irish citizens in the United States, who in every conflict of America have tendered their children to death for the cause of their American home, that we are to desert them, that we are not to lend our aid to secure for them the liberty for which they cry, the self-government for which they have lived and died? It is impossible to betray or desert them. Shall we say to Poland, whose children in thousands and thousands are with us in America, that likewise we shall be deaf to their cry and turn a dead heart and ear to their wail for liberty and free government for Poland? Surely, sir, we could not. How could we be so base? The eminent Senator, learned scholar and able man as he is, must recognize that in millions the children of these lands are here with us in America. Their sons are our sons. If ever we desert the theory with which we started in this conflict, they in America will drop away from us. We would lose their sympathy and forfeit their support of the United States. Here in America the native born of native-born Americans would be alone—severed from one-third of all our population—our home citizenship would be surrounded with hurts and hatreds of millions of our adopted citizens. These millions now fight at home and abroad for us because they have been made our allies in this conflict of liberty and democracy.

Mr. President, I have nothing further, except to intimate to my eminent friend that I am sure he would realize that now such a creed as his could never be advanced to the safety of America. The Pole, the Italian, the Irishman, the Slav, the German people, let us believe, all who are Americans, are with us. The sons of the North, the gallant soldier of the South, all are with us—all for us, and in this conflict we can say to the world, "There they are; behold them in their loyalty, in their greatness;" and, paraphrasing Sir Philip of Faulconbridge in King John, we can exclaim:

Now, these, our children, all to the mother, are come home again. Come the three corners of the world in arms, and we shall shock them.

Nought shall make us rue. If America to itself, do rest but true.

Mr. HARDING. Mr. President, I have no desire to continue the discussion, and I have no wish to spoil the pleasing eloquence of the Senator from Illinois, but if the Senate will bear with me I want to add one sentence at the close.

If our part in the war has been so beautifully and ideally inspired, it occurs to me that we might well have entered on behalf of democracy when the territory of France was invaded in 1914. We might well have given our voice to the liberty of the world when Serbia was invaded in the same year. We might even have given utterance to the nobility of American soul and the loftiness of our intent when Belgium was violated without cause and without notice.

Mr. REED. Mr. President, two reasons impel me to take the floor for a moment.

First, when the distinguished Senator from Ohio [Mr. HARDING] occupied the attention of the Senate, he, in substance and effect, made this statement:

I could, if I would, recite facts that would startle the 100,000,000 American people.

He subsequently repeated substantially the same assertion, whereupon I challenged the Senator to make a specific statement of the matter referred to in his charge. That constitutes my first reason for rising. The Senator did not make the specific statement.

My second reason is that the Senator's excuse for not making the specific statement was couched essentially in this language:

If I had the remarks of the Senator from Illinois and the Senator from Missouri made in executive session, I could startle the country.

The two statements, taken together, amount to a declaration to the country that in the executive sessions of the Senate the Senator from Illinois [Mr. LEWIS] and the Senator from Missouri, my poor self, made charges against the Government which furnished the foundation for the Senator's charge just made, and that if he could but disclose the matter to which we thus gave origin he could startle the country.

Mr. President, I hold that it is not only the privilege but it is the duty of every Member of Congress, though he be as great as the Senator from Ohio or as humble as myself, always to speak in this forum his honest judgment and vote as his conscience and judgment may dictate. I have claimed the right to exercise and express my judgment and to criticize any measure proposed. That right I concede to others. But the advancement of arguments against a pending bill is a very different thing from an assault upon the motives of the author. And now, since I have taken the floor, there has been handed to me the exact language employed by the Senator from Ohio, in the form of a transcript of his remarks, and I want at this time to put them into the Record again, because I do not want to misquote the Senator. I now quote:

I do not want to bring the partisan question up, but I do want to renew, Mr. President, this serious and solemn statement at this time, that there are those in this Chamber who are day after day putting aside their partisan prejudices because they have the information, which might be expressed in calls for investigation, which would disturb the confidence of the American people of this day in the conduct of the war.

Mr. President, the Senator can not shift the responsibility of that statement to any utterance made by the Senator from Illinois or by myself in executive session. I affirm it to be the fact that neither the Senator from Illinois nor myself in executive session in any manner or degree charged that there was misconduct in the conduct of the war, or charged that there was anything in the conduct of the war calling for investigation. No such charge was made, and every Senator now here who was then present will bear witness to the truth of that which I say. Manifestly, the attempt to shift the responsibility occurred to the Senator after he had been challenged to make good his statement. He did make the statement that I have read, and he did twice reiterate it; and it amounts to nothing more or less than the assertion that there is some matter connected with the conduct of this war of so unholy or so infamous a nature that its disclosure would startle the 100,000,000 loyal citizens of this Republic.

Mr. HARDING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I demand here and now either that the Senator from Ohio—to whom I am about to yield for an interruption—shall state those facts, or that he shall retract his statement.

Mr. HARDING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri now yield to the Senator from Ohio?

Mr. REED. I now yield for the purpose indicated.

Mr. HARDING. I am not so greatly concerned by the demand of the Senator from Missouri as I am for a becoming understanding of my statement.

I do not understand, Mr. President—and I want the Senator from Missouri to note this statement—that a condition of unpreparedness, for example, involves anything unholy, and I will not allow the Senator from Missouri or the Senator from Illinois, on neither of whom have I sought to place the responsibility, to so construe my statement. I only alluded to their criticisms in secret session as an indication of the lack of satisfaction, if you please, as to the trend of developing events in these difficult times.

I have in mind, so far as I am myself concerned, matters relating to the unpreparedness of this country for the part we have assumed, and I do not construe that to be anything dishonorable nor anything of a scandalous nature. If I had had that in mind, I should not have even made the allusion. I do repeat the previous statement, that I have too much regard for the present state of public mind to be drawn into a statement of specific details.

Mr. REED. Mr. President, I am glad to find that the Senator from Ohio is modifying his remarks, because I am not concerned here to-day in any advantage to be gained in a verbal fencing match. This is too serious a matter. It was started by the Senator from Illinois undoubtedly with the desire to inject a little satirical humor into a situation created by the Senator from Ohio, and it was carried through by the Senator from Illinois very much in that spirit, although he said some matter of quite serious substance.

What I want to eternally stamp out now is the insinuation that may to-morrow constitute the headlines of many newspapers, that there is some hidden and mysterious iniquity connected with the conduct of the war so infamous and vile that its exposure would startle the American people. Now the Senator tells us that what he referred to in fact was our state of unpreparedness. If that is all the Senator had in mind, I question whether he can state our condition of unpreparedness more vigorously than it has been announced a thousand times by a thousand mouths and ten thousand times by as many pens.

There is nothing in our condition of unpreparedness that will startle the American people more than they have already been startled. There is nothing new in that; and so I beg the gentlemen of the press, when they send the Senator's charge to the country, to say that the distinguished Senator from Ohio meant nothing more than that "we are not as well prepared as we ought to be." If the statement goes forth in that form it will do no harm.

But I can not understand the utterance to have been made in that light. The statement now is that what the Senator meant was that we were not sufficiently prepared. If that fact were emphasized to the American people the tendency would be to make them buy more bonds and buy still more bonds in order that we might become prepared. That, indeed, has been the cry the Secretary of the Treasury has been setting up as he goes over the country, and if he is subject to any criticism it has seemed to me it has been because he has, perhaps, rather overdrawn the case. But the Senator's statement, now, I want to read in full, because I now have it. I think, as I read it, that it will be clear that instead of the Senator's meaning to refer to our state of unpreparedness, he meant something entirely different; or if he did not, he was singularly unfortunate in his method of expression.

I read:

We are committed to the practice of never saying anything about an interview with ladies, collectively or individually, and I can neither boast nor reveal. I dislike to discuss a rather vagrant remark relating to the bond issue, which remark became a public utterance, though it was not so intended; but since it has been brought to the floor of the Senate I have no hesitancy whatever in reaffirming it in my official capacity.

I have believed the liberty-bond campaign hysterical and unseemly. I have not wished to hinder it. I have only wished that I might make the conditions which would have made this seemingly hysterical campaign unnecessary, and I am hesitant to say on the floor of the Senate why it is so.

Of course, if the Senator had succeeded in his ambition he would have been in a position to have made "the conditions which would have made this seemingly hysterical campaign unnecessary," and I have no doubt the country would have been safe, the world at peace, the war over, and democracy triumphant around the earth.

But I read on, in order to give you the context:

Mr. President, in normal times I am a partisan. In times like these I am hesitant to express my partisan impressions. If I were of a mind to do so, I could stand upon this floor to-day with criticisms well founded and substantiated by facts which would prove a sensation to the hundred millions of Americans who are on the anxious seat to-day; and since the question has been raised, and some justification seems necessary, I say to you that America, with an ability to buy seventeen billions of bonds on any day, is reluctant to buy because of its lack of confidence in the present administration. If some one could stand here and give requisite assurance to the United States of America concerning the plans for financing this war in the way of

taxation, there would not be five days of delay in providing for an over-subscription of the liberty-bond issue.

I have not meant to be ugly in my reference to the hysteria. There is very eminent authority for the use of that word over a little unseemly excitement—

And so forth.

Mr. President, the plain purport of that language is that if the people knew what was going on, if there was an investigation to bring the facts before the people, the confidence of the American people would be utterly shocked, and that to-day, even without such disclosure, the people have so little confidence in the administration that while they can pay out easily \$17,000,000,000 to buy that many bonds in five days, they hesitate about buying two billions. And now the whole statement, since the Senator has expounded its meaning, dwindles down to this, "that we are not as well prepared as we ought to be," and that if that fact were known it would scare the people of the United States into not buying any bonds! Such is the conclusion the Senator draws. Whereas the more the people were frightened over a state of unpreparedness the more bonds they would buy. But now that the Senator has withdrawn the real sting of his remark, I have no further interest in it.

The Senator also states that he did not undertake to quote the Senator from Illinois or myself as authority for his startling charges. That question is therefore satisfactorily disposed of.

I only want to refer to one further remark. He said, in substance:

I could wish that the devotion of the American people to their Government were as great as that of the German people to their Fatherland.

By which the Senator must have meant that the people of the United States do not love this Government of freedom as well as the people of Germany love their Government of autocracy; that we do not so much esteem our liberty as they do love their chains; that this great country, over the destiny of which the Senator was ambitious to preside as Chief Executive, is composed of people so base that they do not love the blood-stained banner of America as well as the German loves the scepter of his master. That is the charge the Senator brings against the American people.

Mr. HARDING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. HARDING. Since the remarks of the Senator from Missouri are directed to me in the main, I hope he will do me the credit and justice to omit any statement of my ambition to serve this country in any more distinguished capacity than that which I now occupy, because I should like it said, since this question has been raised, that I think too well of my country to wish one of such incapacity in so exalted a position.

Mr. REED. Mr. President, the humility of the Senator doth most become him. [Laughter.]

I want to say just a word about the patriotism of the American people. It does not require encomium or eulogy, and yet I think it proper to say just this much—that in the population of 104,000,000 people there is probably not as much disloyalty as there is in a single ward of a single European city. There is not in the United States of America to-day any disloyalty among her native-born people save as you may find it manifested by the occasional individual who belongs in fact to the criminal class. For just as you will in the best of communities find here and there a degenerate wretch who makes war on society by theft or murder so you will discover a very few among many millions whose criminal instincts manifest themselves by acts of disloyalty. In both cases the culprits belong distinctly to the criminal class. Neither have we in this country among our foreign-born population any considerable element of disloyalty. I undertake to make the statement that in all the history of the world there never has been furnished such a picture of loyalty as when more than 10,000,000 men stepped forward on the day before yesterday and wrote their names upon a list which cowards would have regarded as a death list, but which these brave Americans looked upon as a roll of honor. Without hesitation, without disturbance, without murmur, from Atlantic to Pacific, from Canada to Mexico, the response was universal. Men bore away their registration cards and exhibited them with pride to their families and to their friends.

Patriotism—is it lacking here? I objected to the draft because I thought the draft was unnecessary; yet I say now the response to the draft without complaint is perhaps a higher evidence of patriotic love of country than would have been a general answer to a volunteer call. I now declare that our men would have come without any mandate of the law. Coming as they have, so willingly, so generously, I do not propose to

sit silent when their love of country is compared unfavorably with that of the unfortunate subjects of despots, many of whom entered the army to escape the prison or the scaffold. I do not propose to hear without protest the patriotism of my countrymen impugned, while the love of the German and Austrian for Kaiser and Emperor is exalted. I tell you, sirs, that when once the iron arms of those imperial rulers have grown a bit more enfeebled, when the people of the central powers shall have suffered a little more, when hunger shall gnaw at their vitals and courage shall be born of despair, revolution will show its fearful countenance and the torch of treason will blaze in the hands of a maddened populace. But if fortune should go against us, if our allies should be swept back and their lines broken, if their ships should be sunk upon the sea, if the worst should come to the worst, if Germany, a thousand times stronger than she is, were to stand upon our shores, with her mailed millions, I tell the Senator from Ohio that the people of this country, though starving, would yet stand in the trenches and die for this land of freedom. I tell the Senator from Ohio there would be such an exhibition of love of country and of devotion to flag as the world had never seen. I tell him that above the Stars and Stripes there would look down the shades of Washington, of Jackson, of Lincoln, of all our immortal dead, and that around the standard would be grouped a people willing to fight and die for human liberty. A people who do not answer to a master's lash and who prefer death to a master's chains. When any man says on the floor of the United States Senate that the American people would do well to take a lesson in patriotism from the serfs who are driven to the battle line by their Teutonic masters, I say he slanders the country he represents.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. NEWLANDS. Mr. President, I ask that the report on the pending bill, together with the bill, without reading, be printed in the Record in the ordinary type.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill and the report referred to are as follows:

"A bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

"Be it enacted, etc., That on and after the approval of this act any person or persons who shall, during the war with Germany, knowingly and willfully, by physical force, threats, or intimidation, obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor, and for every such offense shall be punishable by a fine of not exceeding \$100, or by imprisonment for not exceeding six months, or by both such fine and imprisonment; and the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of the passage of the mail, or of the orderly conduct or movement of interstate or foreign commerce in any part of the United States, or of any train, locomotive, car, or other vehicle upon any railroad in the United States engaged in interstate or foreign commerce.

"Sec. 2. That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix. Suitable offices may be rented and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. All such common carriers are hereby directed and required to establish

forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions, and to arrange for the prompt compliance therewith by such carriers. And it shall be the duty of any and all the officers, agents, or employees of such carriers by railroad or water to obey strictly and conform promptly to such orders, and failure knowingly and willfully to comply therewith, or to do or perform whatever is necessary to the prompt execution of such order, shall render such officers, agents, or employees guilty of a misdemeanor, and any such officer, agent, or employee shall, upon conviction, be fined not more than \$5,000, or imprisoned not more than one year, or both, in the discretion of the court. The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers, to enter into agreements with two or more carriers looking to a proper division of earnings for a time to be specified and upon kinds of traffic to be prescribed. For the transportation of persons or property in carrying out the orders and directions of the President the lawfully established tariffs shall apply unless otherwise fixed by law; for the transportation of troops in carrying out the orders and directions of the President reasonable rates shall be fixed by the Interstate Commerce Commission; and if the transportation be for the Government of the United States, it shall be paid for currently or monthly by the Secretary of the Treasury out of any funds not otherwise appropriated: *Provided*, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of traffic caused by giving such preference or priority, any carrier shall suffer injury or damage, the Interstate Commerce Commission shall, upon application by the carrier and upon notice to the Attorney General of the United States, and after due hearing, determine the amount thereof, which amount shall be paid by the Secretary of the Treasury out of any funds in his hands not otherwise appropriated: *Provided further*, That no application for any such damage or injury shall be presented to the commission after six months from the expiration of the order of preference or priority. In making such determination the commission shall have due regard for the terms of any acts of land grant or contract existing between any such carrier and the United States, and for the purpose of any such inquiry and determination the Interstate Commerce Commission is hereby vested with all the powers which it now has or may be authorized by law to exercise in investigating and ascertaining the justness and reasonableness of rates or charges. Any such findings of the commission shall be subject to review on the merits by a bill in equity, filed either by the Government or by the carrier in a court of competent jurisdiction, with right of appeal as in other equity cases. The final order or decree shall be certified by the court to the Interstate Commerce Commission, which shall enter the same as its own order. Any carrier complying with any such order or direction herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers on account of any such action."

[S. Rept. No. 48, 65th Cong., 1st sess.]

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following report:

"The Committee on Interstate Commerce, to which was referred the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, having considered the same, report thereon with recommendation that it pass.

"The bill as reported consists of two sections, one forbidding the obstruction or retardation of the orderly movement of trains in interstate transportation, and the other giving the President power, whenever necessary for the public safety and defense, to direct that certain kinds of traffic or particular shipments shall have preference or priority in transportation under such rules as he may prescribe.

"It compels also the common carriers to maintain continuously at Washington an agency by a committee of railroad officers to receive, on behalf of the carriers, notice and service of the orders of the President, and compelling the carriers, under penalties, to obey such orders.

"Provision is also made for the fixing of reasonable rates by the Interstate Commerce Commission for the transportation of troops.

"The bill also provides for the determination by the Interstate Commerce Commission of any injury or damage caused by the preferential orders made by the President.

"The provisions regarding the priorities in transportation have been drawn upon the earnest suggestion of the President

contained in a letter to the chairman of the Committee on Interstate Commerce.

"The necessity for such legislation is most clearly shown by Mr. Daniel Willard, chairman of the committee on transportation of the advisory commission of the Council of National Defense, in a letter to the chairman of your committee, which letter, together with the speech of Mr. Howard Elliott, and the article by Mr. W. M. Acworth, entitled 'English railways under war conditions,' in the Outlook of May 16, 1917, to which Mr. Willard refers, is made a part of this report."

"ADVISORY COMMISSION OF THE
"COUNCIL OF NATIONAL DEFENSE,
"Washington.

"Hon. FRANCIS G. NEWLANDS,

"United States Senate, Washington, D. C.

"MY DEAR SIR: Referring to our brief discussion the other day concerning the necessity for a priority commission to deal with transportation matters:

"I am not certain that I made the situation entirely clear, and for that reason I am writing this letter. While the railroads of the country, as shown by their monthly reports to the Interstate Commerce Commission, are handling a greater volume of business than was ever handled at any previous time, they are not able to handle all of the business offered. This is due to the abnormal conditions growing out of the European war and other matters related thereto; and inasmuch as there is more business to be handled than the railroads are able to handle, it becomes necessary in the public interest to decide what particular character of shipments shall be given priority of movement. This, I repeat, is necessary in the public interest; it is not at all necessary from the standpoint of the railroads.

"As you may perhaps know, there was held in this city on April 11 a conference of railroad executive officers, at which practically all of the important systems in the United States were represented, either directly or by proxy, and as a result of that conference an agreement was entered into by all of the carriers which resulted in the appointment of a committee of five railroad presidents, to which committee was given full authority over all transportation questions on all of the railroads in the United States, and the entire railroad mileage—approximately 262,000 miles—is to all intents and purposes at the present time being operated as a single system, directed by the executive committee sitting in this city.

"The situation so created is not unlike the one in England with regard to the railroads, except that in England at the beginning of the war the Government appointed a committee made up of railway officers to control the operation of the railroads and at the same time guaranteed that, during the continuation of the arrangement, the stockholders of the properties involved should receive the same rate of dividend that they had received for a certain specified length of time in the past. I do not recall now the exact period of time.

"In this country, in response to a request made by the Council of National Defense, the railroads voluntarily selected a committee for the purpose of accomplishing the same result as was brought about in England, but in this country it must be remembered that the action, although requested by the Government, was taken voluntarily by the railroads and without any guarantee whatever concerning future income.

"One of the most important functions of the executive committee sitting here in Washington is to procure prompt and adequate transportation of those commodities essential to the welfare and defense of the Nation, and although they have no authority under the law to give preferential treatment to shipments of one kind over another, it is so clearly in the public interest that certain matters should be given priority of movement that the committee has so far not hesitated to take action when it seemed necessary or desirable to do so. For instance, it has seemed desirable, if not necessary, that coal should be kept moving in such quantities as to provide not only for the requirements of the railroads, but also for the public-utility power plants, and for the various industries, particularly those engaged in making munitions for our allies, and providing material necessary for the construction of ships. It has also seemed desirable, if not necessary, that seeds, fertilizers, and agricultural implements needed during the planting season just closed should be moved promptly and in sufficient quantity, and I think generally all of the commodities above referred to have been moved as needed. As a result of this, however, certain other commodities have not been moved as promptly as desired, but so far, those shippers whose freight has not been moved for the reason above mentioned, have accepted the situation with very little protest after the facts were explained to them. As time goes on, however, and industrial activity becomes even

greater than it is at present, the amount of freight offered will be greater than it is at present, and there ought to be provided by law a small commission—I should say not less than three men or more than five—to consider and pass upon questions concerning priority of transportation.

"As chairman of the committee on transportation of the advisory commission, I brought this matter to the attention of the Council of National Defense a month or six weeks ago and endeavored to show the necessity for such a commission. I urged the formation of the committee at that time and I urge it now, because I think it is essential in the public interest. I may perhaps be permitted to repeat what I have already said, that it is not a matter in which the railroads are particularly interested. It is, however, a matter of vital interest to the public.

"I am taking the liberty of attaching hereto, for your information, thinking that you might not have seen it, copy of an address delivered by Mr. Howard Elliott a short time since before the Editorial Conference of Business Papers in this city. Mr. Elliott, as you may perhaps know, is a member of the committee of railroad executives sitting here in Washington. I am also inclosing a copy of the Outlook of May 16 which contains a paper by Mr. Acworth, of England, in which he explains rather clearly, I think, the English situation concerning the railroads. I believe you will find both of the papers above referred to interesting and enlightening, as they bear directly upon the particular subject in mind.

"If there is any further information that I can give you concerning this matter, I shall be glad to do so.

"Very truly, yours,

"D. WILLARD."

SPEECH OF HON. HOWARD ELLIOTT, MEMBER OF THE EXECUTIVE COMMITTEE OF THE COUNCIL OF NATIONAL DEFENSE.

(Before the Editorial Conference of Business Papers of the United States of America, at the New Willard Hotel, May 25, 1917.)

"Gentlemen, your chairman desires me to give you a very brief biography of myself. It was only yesterday morning that I was asked to take Mr. Harrison's place here.

"I have been in the transportation business 37 years on the 5th of next July—23 years with the Chicago, Burlington & Quincy Railroad, 10 years as president of the Northern Pacific Railroad, and practically 4 years as president of the New York, New Haven & Hartford Railroad, which position I laid down a short time ago, after trying to pilot that company through rather a stormy period, and I still retain an advisory connection with the company and am helping them to get out of their wilderness, and hope that they will.

"I have also been asked to serve, and am serving, as a member of what is known as the Railroad War Board, and I rather welcome this opportunity to meet a conference of this character and to tell you something of what we, in the transportation world, are trying to do.

"I notice that your program contains the words, which I presume are your platform, 'To promote more effective use of the business energies of the country by a closer cooperation of the business press with the Government.'

"That is a very good platform indeed. We in the railroad world would like to have you go further and to have the cooperation of the business press with the railroads of the United States, because without help from all kinds of people and all kinds of institutions it is going to be difficult to furnish that quantity of transportation during the war period that is essential for the winning of the war.

"COUNCIL OF NATIONAL DEFENSE ASKS RAILROADS TO ORGANIZE THEIR BUSINESS.

"This committee, of which I was one, grew into being in the following way: Some time early in April Secretary Lane introduced and had passed in the Council of National Defense a resolution as follows:

"Resolved, That Commissioner Willard be requested to call upon the railroads to so organize their business as to lead to the greatest expedition in the movement of freight.

"As a result of that resolution by the council the chief railway executives of the United States met in Washington on April 11, and we had a prolonged discussion of the situation. Every man knows his own difficulties, although he may at times magnify them. We of the railroads sometimes think our friends who patronize us magnify them too much. [Laughter.] But we realize, perhaps more than our patrons do, that the 250,000 miles of railroad in the United States, trying to serve a population of 100,000,000 people, had approached the point, even in a time of profound peace, when the amount of transportation that we could manufacture with our plant was not adequate at all times to the demands of the people. The causes for that we need not discuss here. They have been discussed pro and con for the last

25 years. It is the fact that interests us and that interests gentlemen like yourselves who are representing many kinds of business, and that is of vital interest to the Nation and to our friends the allies.

"Realizing that it was difficult for the railroads to carry the peak load at all times and to be in readiness to serve and to meet every demand, we were glad to have this call to come to Washington and confer and see what we could do.

"ACTION TAKEN BY RAILROADS.

"After conference and deliberation and after a very inspiring address from Secretary Lane, we passed this resolution, which is our platform:

"Resolved, That the railroads of the United States, acting through their chief executive officers here and now assembled, and stirred by a high sense of their opportunity to be of the greatest service to their country in the present national crisis, do hereby pledge themselves, with the Government of the United States, with the governments of the several States, and one with another, that during the present war they will coordinate their operations in a continental railway system, merging during such period all their merely individual and competitive activities in the effort to produce a maximum of national transportation efficiency. To this end they hereby agree to create an organization which shall have general authority to formulate in detail and from time to time a policy of operation of all or any of the railways, which policy, when and as announced by such temporary organizations, shall be accepted and earnestly made effective by the several managements of the individual railroad companies here represented.

"That platform has been subscribed to by practically all of the railroads of the United States, and in most cases indorsed and approved by the boards of directors. It is a patriotic move on the part of the railroads, their owners, their officers, and their employees, to do the very best they can with the plant at their disposal.

"In order to give effect to that platform a committee of some 27 was appointed, and from the committee of 27 a committee of 5, covered by this statement:

"That the railways agree to the direction of the executive committee of five in all matters to which its authority extends, as expressed in and that the general secretary of the American Railway Association be the resolution heretofore adopted, and to which we hereby subscribe, instructed to secure the execution by signature of all American railways.

"CREATION OF SUBORDINATE COMMITTEES TO COOPERATE WITH WAR DEPARTMENT.

"In addition to creating the main committee of five, consisting of Mr. Harrison, as chairman; Mr. Holden, of the Chicago, Burlington & Quincy; Mr. Kruttschnitt, of the Southern Pacific; Mr. Rea, of the Pennsylvania; and myself; subordinate committees reporting to us were created coexistent with the military departments of the Government, as follows: The Northeastern Department with headquarters at Boston, the Southeastern Department, the Central Department with headquarters at Chicago, the Southern Department with headquarters in Louisiana, the Western Department with headquarters at San Francisco, and the Eastern Department with headquarters in New York, so that there would be a piece of machinery to deal with each departmental commander of the Government. In addition to that there were special subcommittees appointed to take up the following general subjects:

"A commission on car service, composed of seven of the most experienced car men in the United States; a committee on military equipment standards, composed of the most experienced expert mechanical men in the country; a committee on military transportation accounting, composed of the most experienced accounting men we have; a committee on military passenger tariffs, composed of the most experienced passenger men; a committee on military freight tariffs, composed of the most experienced men familiar with the freight business; and, more recently, a committee on express, made up of the vice presidents of the various express companies.

"Then we arranged to appoint general agents at all of the military headquarters, permanently attached there, with no other duties than to work with the military officers, and also general agents at mobilizing points. There are some 56 points in all, with 112 men.

"WASHINGTON OFFICE.

"The Washington organization, with headquarters here, has in it 16 experienced railway officers, including the 5 executives, who are the head committee, and 11 others who are permanently here, 69 general employees, and 18 inspectors who travel about the country and bring in information.

"In addition to that, in order to do the very best we could to get close to the local situation at every place, and to meet, as fast as we could, the difficulties of each given situation under this commission on car service, which is the most important of the committees, some 23 subcommittees were formed at places all over the United States—Chicago, New York, Atlanta, San Francisco, Seattle, Memphis, New Orleans, and everywhere—so there would be a piece of machinery in each State and several in some of the States that could cooperate closely with the ship-

ping and traveling public as well as with the military authorities.

"Each one of these committees has as chairman an experienced officer of a railroad, and on his committee are representatives of all of the railroads at the point in question.

"MACHINERY NOW AT WORK.

"All of this machinery is now at work and is being rapidly coordinated, so that as little lost motion as possible is had after six weeks of work. It is a very expensive piece of machinery.

"COST TO THE RAILROADS.

"Our estimates are that, not counting the salaries of the officers, who are devoting a very large amount of their time to this national work and carrying on, as well as they may, their regular activities as railroad officers, that the American railways are going to contribute, dividing the expense pro rata, about \$500,000 a year to this special work. And we are glad to do it. We are not stating that to ask for commendation, but merely to show you the extent to which we are trying to go in helping our Government and our allies in this very terrible crisis.

"Now, no doubt, you would like to know what we are really trying to do and how we give effect to the platform which I have read to you.

"RELATIONS WITH COUNCIL OF NATIONAL DEFENSE.

"We have a relation to the Council of National Defense because we received our appointment at the instance of Secretary Lane, and we work with the council in the closest possible way. In fact, I believe we are designated a cooperative committee. It is our hope and our belief that we can work in the closest possible way, because on our committee sits Mr. Willard, of the advisory council, who is a member of our committee ex officio, but without vote, who brings to us suggestions from the Council of National Defense and takes from us suggestions to them. We are working very closely together.

"RELATIONS WITH INTERSTATE COMMERCE COMMISSION.

"Then, we are trying to have, and I think we are succeeding in having, very close and satisfactory relations with the Interstate Commerce Commission, that great body that directs so many of the activities of the American railways, because on our board sits Mr. Edgar E. Clark, a member of the commission, without a vote, but whose counsel and whose experience are of tremendous value to us in our deliberations. Our ambition is to so coordinate and arrange this enormous piece of machinery, this 250,000 miles of railroad, so that we can make it of the highest service to the Nation at this time, which is a time so serious and so critical and which, my observation leads me to believe, is more serious and more critical than people realize who have not had the privilege of spending a few weeks in Washington, the city upon which the eyes of the world very properly now turn.

"ACTION OF RAILROADS VOLUNTARY.

"While we are doing all those things, and trying to make this great piece of machinery as effective as we can, I want to call your attention to the fact that our mandate and our commission has come to us through a voluntary act of the owners of these 250,000 miles of railroad, through their boards of directors, representing the owners, and that we are trustees for these enormous interests, and in trying to do our full duty to the Nation we must pay due regard also to the trust imposed upon us to handle these 250,000 miles of railroad with some regard to the interest of the million and a half security owners, and possibly 2,000,000 employees who, with their families, represent nearly one-sixth of the population of the United States. And we believe because of the cooperative spirit displayed by everyone with whom we have come in contact, that as we work along, one step after another, we can obtain a greater efficiency out of these railroads than has been obtained before; that we can do the things that the Government wants us to do; that we can do the things that the allies want us to do; and we can do the things that business wants us to do and still safeguard the general health of this great piece of machinery which must go on forever, after the war is over, to serve the public.

"FIRST ACTION OF COMMITTEE.

"One of the first things we did was to put out what we called our efficiency circular. I will not burden you with the details of it because you no doubt have seen it, but it was an earnest appeal to officers, to men, to the public, and to those who use the railroads, to help and cooperate in every way possible to make a greater use of the existing American railway plant. As I have just said, this plant is inadequate in some directions for reasons that need not here be discussed, and it is essential to make every car, every engine, every track, every freight house, and every appliance do a little more work, if we can possibly arrange it, and to do that we must have the highest cooperation

between the railroad owner, the railway employee, and the railroad users.

"This circular was put out to try to stimulate that idea.

"WEEKLY REPORT TO COUNCIL OF NATIONAL DEFENSE.

"Then we make a report once a week to the National Council of Defense to show them what we have been doing or trying to do, so that they may be advised and may make suggestions to us. Our report of May 18 covers some 18 subjects, only a small part of the numerous subjects that our committee has considered, and we have been practically in continuous session here in Washington since April 23, trying to go home to our places of residence and to our railroad headquarters on Saturdays and Sundays to keep in touch with the detail of the properties that employ us.

"MOVEMENT OF COAL.

"But we have taken up many subjects. One of the first and most important was to try to help move a greater quantity of fuel, which must be moved if the manifold activities of the United States are to go on and we are to make the things that we need and that the allies need; and, as a corollary, to bring down the greatest quantity of iron ore from the upper lake ports, so that the factories can make the steel and iron. A great deal of work has been done upon that, and we are beginning to see the fruits of it.

"COMMITTEE OF RAILROAD EXPERTS TO RUSSIA.

"We have modified the so-called car-service rules, and we think there is a more fluid movement of such equipment as exists. We, at the suggestion of the council, obtained and turned over to the Government five trained railroad officers, who were commissioned to go to Russia to see what they could do to help the Trans-Siberian Railroad to move the freight piled up at Vladivostok toward the Russian front.

"NINE REGIMENTS OF RAILROAD MEN RAISED FOR FRANCE.

"We also at the request of the council, and partly at the request of the French delegation, are arranging to obtain about nine regiments of trained railway officers and trained railway employees to help the English and French people carry on their railroad activities principally in France, where, as you know, the man power is strained to the limit. We brought about, through Mr. Peabody, of Chicago, an experienced coal owner and dealer, and with the cooperation of our committee and of the lake carriers and the ore carriers, a pooling of coal, so that when it comes to the lower lake ports there will be a minimum amount of delay in putting the coal into the boats, releasing the cars promptly, and getting the boats forward promptly.

"I will not burden you with all of these details, but will just mention a few to show what we have tried to do. We have had numerous interviews—interviews with the French delegation, interviews with the English delegation, and interviews with Mr. Hoover—to try to get a better method of coordinating the movement of food products, and I want to say that all of those things are coming along.

"As is often the case with large movements, it seems at times as if the movement was very slow, but we really feel that we have made progress and that our work is beginning to tell. I know the spirit is there to make it tell.

"We have been called upon—and have gladly responded—by Members of the House and Members of the Senate, both individually and by committees, to tell them something of the situation and of the problems with which we are dealing and the difficulties that we meet in trying to solve our particular problem, which is really the problem of the whole country, because unless we can get this maximum efficiency out of the railroads you can readily see it will delay bringing to a conclusion the preparation for this war.

"MEETING WITH STATE RAILROAD COMMISSIONERS.

"There is another thing we have done which is of importance. We have had a meeting with a group of State railroad commissioners, and have explained our position to them and our desire to work in a cooperative spirit with them.

"CAR-SERVICE COMMITTEE.

"I can not emphasize too much the importance of this so-called car-service commission, because that is the working arm of our committee. You represent business, and you know from the daily press about the so-called car shortage; you know about the congestion, and so forth, and through the car-service commission we are trying to remove some of these defects. That commission makes a report to us once a week. They sit six days in the week and many evenings; they meet countless people with complaints, and they try to handle them as best they can. Their report for one week, for example, consists of 12 pages of closely written typewritten matter, on some 23 subjects. In addition they have had numerous interviews with our committee, so that we can try to work things out together.

"CAR SHORTAGE.

"Now, then, this so-called car shortage perhaps is a misnomer. It is not a misnomer in the sense that the interests that you represent, when they sometimes wish to ship something and there is no car in which to ship it, but it is a misnomer in that the failure to have the car there is due not so much to the non-existence of a great number of cars as to the fact that the railroad system is somewhat overtaxed as a whole because of lack of terminals, lack of sidings, lack of modern appliances on some of the railroads, and lack of modern appliances by shippers and receivers of freight in some places, so that the maximum use of the car is not obtained. Those appliances are being added to more or less by the railroads all the time. They have not been added to the extent to which they should have been in the last 5 or 10 years. Those of us who have been in the railroad business a long time have preached for years that the country, for its own interests, ought to permit us to spend at least a billion dollars a year in new additions to our plant. The company has not permitted us to spend a billion dollars, and our plant is not all that it should be. But with respect to the so-called car shortage, on May 1 there was, according to the record, a so-called shortage of 150,000 cars. In round numbers there are two and a half million cars in the United States. If, by a little better loading by the shipper, a little better unloading by the shipper, a little better movement by the railroad, and a little more alert work by every man in the railroads, from the president down to the water boy, each car was used a little better, it would not take very long to get that 150,000 cars out of the 2,500,000 cars. It is about three-quarters of 1 per cent.

"NEW EQUIPMENT LAST 18 MONTHS.

"The railroads, in spite of their difficulties about finance, have done a good deal in the last 18 months to try to add to their cars and engines. For example, there have been placed in service since November 1, 1916, 989 engines and 44,063 cars. There are now under order as of April 1, 2,209 engines and 104,917 cars. Those engines and those cars we hope will be received between now and the 1st of January. If so, since the 1st of November last and by the 1st of January next there will have been introduced 148,280 cars into the service, with an average capacity of over 50 tons, and 3,188 engines, with an average tractive power of 54,000 pounds, which is very much above the average of the engines of the United States. But in spite of all this, I feel, and our committee feels, and I think we must admit, that if the war goes on, as we fear it will, the total amount of transportation that can be manufactured under the existing conditions, when men are called to the colors or sent to France, or have to go into other forms of work, thus depleting somewhat the railroad service, will not be sufficient.

"SHORTAGE OF TRANSPORTATION.

"I am afraid there may be a shortage of transportation. If that time comes, then it is going to be necessary, in the interests of the Nation and in the interest of the allies, to use such transportation as there is for the essential things, as one of your speakers called it a few minutes ago, and it is going to be necessary for the public and for you, who represent the public, to be willing to give up the nonessentials.

"PREFERENTIAL MOVEMENTS.

"In other words, it is going to be a great deal more important for this country to move food, fuel, and iron and the essentials of life and manufacturing than it is to move what might be called the luxuries, the things that we can get along without in this terrible world crisis. We hope that we are going to be able to move it all, but I think it is only fair to point out to a body of gentlemen like this the facts and to ask your cordial support, and when the time comes when we must pick and choose that we have your cordial support in any effort we may make to move the essentials before the nonessentials.

"NECESSITY FOR PRIORITY COMMITTEE.

"That matter is so important that the Executive and the Congress have taken it up, and they have caused to be introduced in Congress, not at our suggestion, but of their own volition, because they see the difficulty, a bill which will empower some agency of the Government, under the direction of the President, to say what shall be given up and what must move. That bill has been favorably reported by the Senate, and I presume is now on its passage. It is essential to the welfare of the people and for the preservation of this great American railway system that some such measure be enacted because we have courageously started out to do these things that we have been asked to do by the council, and yet in doing them we must of necessity run across some Federal laws and some State laws, and sooner or later we will have to stop in our efforts to get this maximum efficiency unless as a war measure the Fed-

eral power says 'You must do this and you must do that' without being subjected to countless damage suits.

"REVISION OF PASSENGER SCHEDULES.

"As one step in that direction we have asked the so-called group chairmen to call their committees together at their various headquarters throughout the United States to go over most carefully the passenger schedules of the country. There is a duplication of passenger schedules in certain places. There is very luxurious passenger service in some places, and we would like to keep it up, but the country can get along without some of that if it becomes necessary. We are suggesting that there be some changes made in the passenger schedules, not with the idea of saving money, not with the idea of failing to serve the public, but simply to save man power, fuel, and motive power, all of which should be applied to the transportation of essentials.

"RAILROADS NATIONALIZED AS WAR MEASURE.

"You gentlemen are all business men, representing great business. I am going to ask you to—and I know you want to—help in any way you can. I am very glad I have tried to give you this brief outline of what we are trying to do, and it occurs to me that as you go back to your respective homes and write in your respective papers you can perhaps give the public a clearer idea of this great movement to nationalize the railroads of the country as a war measure; you can arouse the public to a realization of the difficulties that confront the Nation and that confront those of us in the railroad service who are trying to serve the Nation, and you can emphasize the importance of the highest speed in every kind of preparation, and particularly in this transportation matter. We have the same difficulties that other manufacturers have, because we are only manufacturers of transportation. That difficulty is to get all of our employees aroused to the seriousness of the situation. I think the railway employees are as patriotic as any in the country, but they are far removed from the scene of trouble, and they do not yet, as a whole, perhaps realize that every man, woman, and child in the United States must do the maximum amount of work to win this war.

"Gentlemen, you can help in that, because you touch many kinds of labor through your different papers, and you can encourage that idea; and you can also encourage the idea that if the railroads are to have their maximum efficiency they must have the help of every man outside of the railroads in handling equipment, and so forth, as well as the help of the men inside the railroads. You can help also, if it becomes necessary to bring about reductions in service, by the selection of the essential business as against the nonessential, to explain that that condition must be met with patience and with fortitude, and that if we are in this war to win, as we are, everyone must contribute something by getting along, perhaps, on a different basis of life from that to which he has been accustomed in the past 10 luxurious years.

"COOPERATION NEEDED.

"You can also help to increase the spirit of cooperation between the railroads and the State and national commissions and municipal governments, as a war measure, to relieve the railroads from the strict regulation that cripples their efficiency. Those will come up from time to time. They are being discussed here now before the Interstate Commerce Commission, with governors and others. I refer to measures which were thought to be wise when they were passed, but which, unconsciously, have had the effect of slowing down the operation of the railroads. If we have to pick and choose as to transportation, you can help by pointing out that unnecessary work, as a war measure, had better wait so that we can do the necessary work in order to win this war. I think there is a very large spirit of cooperation which has been made evident to our committee from many sources. We have had what I would term almost splendid cooperation from some, but that must be continued and it must increase if we are to accomplish what the country wants and what you want.

"Mr. Creel spoke about publicity. Most of the modern railway managers realize the importance of that, and their affairs during the past few years have been open books. Most of us have what we call a publicity agent; and we realize so much the importance of this at this time that we have called a meeting of all the publicity men in Washington to try to do the very things and sense the situation as explained by Mr. Creel, so that we can cooperate with the press throughout the country and with the agencies that are trying to win this war and to give the actual facts to the public, because we know or believe that when the public really understands the facts, when it gets down under its skin, then it probably will see the thing as it is and will start in and help.

"I firmly believe, in fact no one can have any other feeling, that we will win this war, and I think we will all agree that we will win it sooner and end this awful struggle that is almost ruining civilization sooner if everyone will realize the magnitude of the task and will turn in and mobilize and coordinate at once the marvelous man power, the money power, the business organization, the press, the manifold industries of this wonderful United States, and apply that mobilized power for the sole and only purpose of supporting our allies and maintaining the highest ideals of humanity and civilization. That is what we of the American railways are trying to do through the platform we adopted, and through the committee which has been appointed and charged with this very high duty. Thousands of officers and men in the railway service are working hard and unselfishly on these problems and giving the best that is in them to their solution. If you gentlemen will, as I know you will, spread abroad the doctrine of highest cooperation, as expressed by your last two speakers, there will be countless thousands of business men in every walk of life who will continue to do the work they have started out to do, and new recruits will be obtained who will turn in and help the Nation without any thought of self. This war may drag on longer than any of us think, and it will no doubt affect the lives of every one of us, of our children, and of our grandchildren.

"Mr. Chairman, I thank you very much for the privilege of addressing you."

ENGLISH RAILWAYS UNDER WAR CONDITIONS.

[By W. M. Acworth, special correspondence in the Outlook of May 16, 1917.]

"To the visitor in England at the outbreak of the war the sudden and efficient taking of the railways under control by the Government was astonishing—that is, if he knew anything about it. To most visitors it occurred unnoticed, unknown, so smoothly did this almost socialistic operation work. In fact, Englishmen themselves knew nothing, or almost nothing, of it at the time. In the following account of what the British Government did and is doing with the railways there is suggestion for the United States.

"Our correspondent, Mr. Acworth, appeared for many years in railway investigations before parliamentary committees, and also before the Railway Commission; has given evidence to the House of Commons in England on American railway law and practice, and in America before a Senate committee and the Hadley Commission on English railway cars and practice. He was a member of the Royal Commission on Accidents to Railway Servants in 1899, and of the Commission on Irish Railways, 1906; also of Government committees on Light Railways, 1894, and on Accounts and Statistics, 1906; member of the Royal Commission of Inquiry into Railways and Transportation in Canada, which has just made its report; designated commissioner to inquire into railway matters in Rhodesia. He was a delegate of the British Government to the International Railway Congress at Washington in 1905, and at Berne in 1910. He is the author of *The Railways of England*, *The Railways and the Trader*, *Elements of Railway Economics*, and of many articles on railway matters in the *London Times*, the *Quarterly*, the *Edinburgh Review*, the *Nineteenth Century*, the *Economist*, and other journals and newspapers; is a director of the Underground Co. of London, which controls the bulk of the transportation facilities, electric railways, street railways, and omnibuses in and around London.—The Editors.]

"England is an island, but only 20 miles of sea separate it from the Continent of Europe. In the year 1870 war broke out at a few days' notice between France and Prussia, and within six weeks the Germans were in front of Paris. England took alarm. It was not possible that a great army could invade England. Our fleet could take care of that. But it was possible that a few score thousand men might evade the fleet and effect a landing in England; and one provision against this possibility was at once made. An act of Parliament passed in 1871 gave the Government power to take over by royal proclamation all or any of the railways of the United Kingdom in time of war.

"Some 40 years later, when the constant shaking of the Prussian mailed fist and the constant rattling of the Prussian saber were alarming all Europe, matters were carried further. A committee of some 12 general managers of the principal railways was formed (the English general manager corresponds to the American president), and detailed schemes of railway mobilization were drawn up.

"The general manager of a railway of which I am a director, which, though small, is not unimportant, as it runs through one of the great training grounds of the British Army, told me that he received the original scheme some four years before the war. It was a sealed packet, and he was instructed to place it un-

opened in his safe. In the course of the next year or two, he received several supplements, to be placed beside the original. Finally in 1912 he received a complete new scheme, and was told to destroy all the former papers unopened.

"On August 4, 1914, England declared war on Germany. The same day the railways were taken over by the Government and the mobilization scheme came into operation. The general manager opened his packet and read his instructions. Within a week he dispatched 90 military trains. Each train ran to its fixed schedule. Each train was made up of the precise equipment assigned to it. And each carried precisely the troops which the scheme had laid down for it.

"Within some 10 days of the declaration of war the whole of the first line British Army, about 120,000 men, was landed in France. The main point of embarkation was the port of Southampton, which was closed to all except military traffic. Eighty trains each day, coming from all parts of the British Isles and bringing many thousands of men who had already crossed the sea from Ireland, converged upon Southampton. They were scheduled to arrive at intervals of 12 minutes during the 16 hours from dawn till dark. A special instruction provided that if any train was as much as 12 minutes late it was to be regarded as having missed its turn. It was to be side-tracked at any convenient spot and the transport was to leave without waiting for it. The instruction was not necessary. No single train during the whole embarkation period failed to fall into and keep its appointed place in the procession.

"The railways have been taken over by the Government, but the management has been left undisturbed in the hands of the old men. There is nothing by which a shipper or a passenger can recognize that any change has taken place. Each general manager with his own old staff manages his railway as before. But there is for the first time an authority behind him. The informal committee of general managers that existed before the war was at the outset given full powers as the railway executive committee. And it exercises supreme control. Its nominal chairman is a cabinet minister. But the deputy chairman, the real head of the organization, is one of the general managers. The executive committee is in almost constant session, and its task is to insure that all the railways of the country work together as one harmonious whole.

"The task is not light. Not only have troops had to be moved to the ports by the million, guns by tens of thousands, and military stores in millions of tons, but when every factory in the country is impressed into military works the amount of traffic back and forth within the country itself is enormous. Steel is cast in one place and made into shell in another; the fuses come from a third district, and the explosives from a fourth; the boxes and baskets to hold the shells have to be brought from a fifth; the filling is done in a sixth place, before finally the finished shell can be delivered at the port of shipment. And similarly with all the other necessities of the armies and the fleets.

"And this is not all. Railways, like any other business concern, as they grow up develop an organization to meet the requirements of their normal business. And the requirements in England nowadays are wholly abnormal. Imagine a camp of twenty or thirty thousand men, with all their multifarious needs in food and supplies, plumped down alongside of a petty way station, whose accommodation was meant to suffice for a score of passengers a day and three or four freight cars. Imagine half a dozen important ports taken up wholly by naval needs and the whole of their normal traffic diverted to an adjoining port, or, it may be, to a port on the opposite coast of the island. Again, traffic has been thrown upon the roads that they never handled before. The collieries before the war imported pit props by the millions of feet from the Baltic through ports close at hand. That traffic has been stopped, and pit props have to be carried long distances by rail from remote parts of Great Britain.

"Nor are these the only difficulties against which the railways have to contend. With more traffic than ever to handle, there are fewer men to handle it. One man out of every five—and they not the least active and efficient—has gone to fight. Shops that should be building new engines and overhauling old ones are given up to making shells or building airplanes or motor lorries. Steel that should be rolled into new rails has been commandeered for ship plates and guns and shells. But somehow the railways have pulled through. The employees who are left, feeling that their services are essential to the State, have worked their best and hardest with conspicuous loyalty. Women as porters, carriage cleaners, ticket collectors, and in various other capacities are lending a willing hand. Military traffic, of course, comes first. And if freight is delayed and passenger trains are overcrowded and behind time nobody

grumbles. And, indeed, there is not much excuse for grumbling. So far freight rates have been left unaltered, but passenger fares have practically been doubled. Before the war the normal fare was 2 cents a mile. But there were so many concessions from the normal fare in the shape of commuters' tickets, workmen's tickets, week-end tickets, excursion tickets, etc., that it was estimated that the average passenger did not pay more than 12 mills per mile. Early in the war all cheap fares except commuters' and workmen's tickets were cut off, and a few months ago the ordinary fares were increased 50 per cent. So the ordinary passenger now pays 3 cents. The increase was put on quite as much to reduce travel as to obtain revenue. Gradually the passenger service has been very greatly reduced; the express trains stop at more stations and take longer on their journey. Dining cars and sleepers have been almost entirely cut off.

"Under the act of Parliament of 1871 the compensation to be paid by the Government to the proprietors of a railway taken over was to be fixed by arbitration in default of agreement. But when all the railways were taken over for an indefinite time it was felt that this would not be fair to the hundreds of thousands of stock and bond holders. Accordingly, an agreement was at once made that all Government traffic should be carried free and no account rendered; that the Government should take all receipts from ordinary traffic, pay all operating expenses, and guarantee to the proprietors of the railway the same net revenue as they had earned in 1913, the last complete year before the war. And, subject to minor adjustments, this agreement has been adhered to ever since. If, after the working expenses and the guaranteed net revenues of all the railways have been met, there is a surplus, the Government takes it. If there is a deficit, the Government finds the money to meet it. The actual result has varied at different periods. Three separate all-round increases of \$1.25 a week in the wages of the employees, the last of which has only just taken effect, have added largely to operating expenses. But, as a whole, the arrangement has been satisfactory to the parties. The shareholders as a body feel that they have been fairly treated, for though, doubtless, in some companies they would have done much better had they been paid by results, in others, where old pleasure traffic was killed and no new traffic took its place, they would have done much worse. And the Government, whose vast military traffic is carried for nothing, has probably paid less than it would have done had each soldier and each ton of stores been charged for according to the regular military tariff.

"I have laid stress on the fact that the railway officials manage their own lines exactly as before. But naturally the relation between the war office and the railways is close and constant. And from the director general of military transport at headquarters, through the colonel in charge at the divisional command, down to the subaltern transport officer at the local entraining station, there is a whole hierarchy of military officers whose business it is to interpret the military needs to the railway officials and the railway possibilities to the military authorities. The point is that it is for the soldiers to say what they want done, for the railway officials to decide how to do it, or, it may be, to explain why it can not be done and to suggest a revision or modification of the order. On the whole, the system works excellently. An irate colonel who was so dissatisfied with the accommodation provided for his favorite charger that he was left expostulating on the platform alongside his horse while the train and the regiment went on without him was a fortunately rare exception.

"Of course, Great Britain, with 12 per cent of its total population under arms, and with almost as many more engaged in the manufacture of military supplies, is in the war deeper than the United States is ever likely to be. But if the experience of the United Kingdom has any lessons for the people of the United States they would seem to be twofold: (1) Even if the Government should think fit to take over the railways it should leave the management and operation wholly in the hands of the old staff; and (2) if it does take them over, or if, without taking them over, it so far interferes with the normal traffic as to upset the customary balance between income and expenditure, it should at once come to a fair agreement with the proprietors, securing the result that they receive the normal return of income from their property, and not wait for subsequent discussion and possible litigation, with heated charges of blackmail on the one hand and confiscation on the other."

Mr. NEWLANDS. I also ask that there be inserted in the RECORD the legislation creating the Council of National Defense contained in the military appropriation bill for the year ending June 30, 1917, and also the plan of organization of the Council of National Defense, with its various committees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

"SEC. 2. That a Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

"That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

"That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

"That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

"That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized."

COUNCIL OF NATIONAL DEFENSE.

Secretary of War Newton D. Baker, chairman.

Secretary of Navy Josephus Daniels.

Secretary of the Interior Franklin K. Lane.

Secretary of Agriculture David F. Houston.

Secretary of Commerce William C. Redfield.
Secretary of Labor William B. Wilson.

ADVISORY COMMISSION OF COUNCIL OF NATIONAL DEFENSE.

Daniel Willard (chairman), transportation and communication.

Howard E. Coffin, munitions and manufacturing, including standardization and industrial relations.

Julius Rosenwald, supplies, including clothing, etc.

Bernard M. Baruch, raw materials, minerals, and metals.

Dr. Hollis Godfrey, engineering and education.

Samuel Gompers, labor, including conservation of health and welfare of workers.

Dr. Franklin Martin, medicine and surgery, including general sanitation.

Walter S. Gifford, director of council and advisory commission.

Grosvenor B. Clarkson, secretary of council and advisory commission.

SUBORDINATE COMMITTEES OF COUNCIL OF NATIONAL DEFENSE.

Aircraft production board: Howard E. Coffin, chairman; Brig. Gen. George O. Squier, Chief Signal Officer, United States Army; Rear Admiral David W. Taylor, Bureau of Construction; S. D. Waldron, ex-vice president of the Packard Motor Car Co.; E. A. Deeds, ex-general manager of the National Cash Register Co. and later with the Dayton Engineering Co.; R. L. Montgomery, senior member of Montgomery, Clothier & Tyler.

Committee on coal production: F. S. Peabody, president Peabody Coal Co., Chicago, chairman; E. J. Berwind, president Berwind-White Coal Mining Co., New York; W. W. Keefer, president Pittsburgh Terminal Railroad & Coal Co., Pittsburgh; Van H. Manning, Director United States Bureau of Mines, Washington; C. M. Modervell, president United Coal Mining Co., Chicago; E. L. Pierce, vice president Semet Solvay Co., Syracuse; Erskine Ramsey, vice president Pratt Consolidated Coal Co., Birmingham; George Otis Smith, Director United States Geological Survey, Washington; James J. Storrow (Lee Higginson & Co.), chairman Massachusetts Committee on Public Safety, Boston; H. N. Taylor, vice president Central Coal & Coke Co., Kansas City; S. D. Warriner, president Lehigh Valley Coal & Navigation Co., Philadelphia; J. F. Wellborn, president Colorado Fuel & Iron Co., Denver; Daniel B. Wentz, president Stonega Coal & Coke Co., Philadelphia; George W. Reed, secretary.

Commercial economy board: A. W. Shaw, president A. W. Shaw Co., chairman; W. D. Simmons, Simmons Hardware Co.; E. F. Gay, Harvard University; George Rublee, member of Eight-Hour Commission; Henry S. Dennison, president Dennison Manufacturing Co.; Dr. Hollis Godfrey, member ex officio.

Committee on shipping: Chairman Denman of the Federal Shipping Board, chairman; P. A. S. Franklin, president International Mercantile Marine; H. H. Raymond, president Coastwise Shipping Association; Eugene T. Chamberlain, commissioner, Bureau of Navigation, Department of Commerce; D. T. Warden, of the Standard Oil Co.; L. H. Shearman, vice president W. R. Grace & Co.; E. M. Bull, vice president A. H. Bull & Co.; Frank C. Munson, president Munson Steamship Lines; Crawford H. Ellis, vice president United Fruit Co., New Orleans.

Committee on women's defense work: Dr. Anna Howard Shaw, chairman; Mrs. Philip N. Moore, of St. Louis, president of the National Council of Women; Mrs. Josiah E. Cowles, of California, president of the General Federation of Women's Clubs; Miss Maude Wetmore, of Rhode Island, chairman of the National League for Woman's Service; Mrs. Carrie Chapman Catt, of New York, president of the National American Woman Suffrage Association; Mrs. Antoinette Funk, of Illinois; Mrs. Stanley McCormick, of Boston; Mrs. Joseph R. Lamar, of Atlanta, Ga., president of the National Society of Colonial Dames; Miss Ida M. Tarbell, of New York, publicist and writer; Miss Agnes Nestor, of Chicago, president Glove Workers' Union, member executive committee Women's Trade-Union League.

Interdepartmental advisory committee: War Department, William M. Ingraham; Navy Department, Capt. Volney O. Chase; Interior Department, Lathrop Brown; Department of Agriculture, Dr. B. T. Galloway; Department of Commerce, Dr. S. W. Stratton; Department of Labor, Louis F. Post; State Department, Leland Harrison; Treasury Department, James L. Wilmeth; Department of Justice, William C. Fitts; Post Office Department, J. W. Johnston.

General munitions board: Frank A. Scott, chairman. From the Army—Gen. Thomas Cruse, Quartermaster Department; Col. F. G. Hodgson, Quartermaster Department; Col. H. Fisher, Medical Corps; Col. S. E. Blunt, Ordnance Department; Maj. P. E. Pierce, General Staff; Maj. Charles Wallace, Signal Corps; Maj. William Kelley, Engineer Corps. From the Navy—Rear Admiral H. H. Rousseau, Bureau of Navy Yards and

Docks; Rear Admiral W. S. Capps, Bureau of Construction and Repair; Rear Admiral A. W. Zane, Bureau of Steam Engineering; Commander R. H. Leigh, Bureau of Steam Engineering; Commander T. A. Kearney, Bureau of Ordnance; Dr. R. C. Holcomb, Medicine and Surgery; Paymaster J. H. Hancock, Bureau of Supplies and Accounts; Lieut. Col. W. B. Lemly, Marine Corps; Mr. L. McH. Howe, office of the Assistant Secretary of the Navy. Raw materials—Bernard M. Baruch, L. L. Summers, Manufacture—Howard E. Coffin. Supplies—Julius Rosenwald, Charles Eisenman. Medicine—Dr. Franklin Martin, Dr. F. F. Simpson. National research council—Dr. George E. Hale, Dr. R. A. Millikan. Chester C. Bolton, secretary.

Subcommittee on Army vehicles: Mr. Butterworth, chairman, Deere & Co.; G. W. Mixer, secretary; A. N. Thielhaus, Studebaker Corporation; R. V. Board, Kentucky Wagon Co.; E. E. Parsonage, National Implement & Vehicle Association.

Subcommittee on armored cars: Col. Rice, United States Army; Col. Baker, United States Army; F. A. Scott; Karl Zimmerschied.

Subcommittee on emergency construction and contracts: W. A. Starrett, chairman, Starrett & Van Vleet; C. M. Lundoff, Crowell, Lundoff, Little Co.; M. C. Tuttle, Aberthaw Construction Co.; Maj. William Kelley; F. L. Olmstead, landscape architect; J. B. Talmadge, secretary.

Subcommittee on optical glass: Dr. R. A. Millikan; Dr. S. W. Stratton; A. L. Day; Maj. Wallace.

Subcommittee on storage facilities: M. L. Cook, chairman; Charles Day, Day & Zimmerman; H. P. Kendall, Plympton Press; R. N. Bissell, National Fire Underwriters Association.

Subcommittee on machine guns: B. W. M. Hanson, chairman, Pratt & Whitney; Bascom Little, Crowell, Lundoff, Little Co.

Subcommittee on priority: Gen. J. B. Aleshire, chairman.

Subcooperative committee—defense committee of American Institute of Accountants: E. S. Suffern, chairman, Loomis, Suffern & Fernald, New York City; W. S. Davies, Davies & Neald, New York City; Charles S. Ludlam, Hoskins & Sells, New York City; Arthur W. Teele, Patterson, Teele & Dehnis, New York City; Henry A. Niles, Niles & Niles, New York City; R. N. Montgomery, Lybrand Ross Bros. & Montgomery, New York City; J. E. Sterritt, Price Waterhouse & Co., New York City; A. P. Richardson, secretary, secretary American Institute of Accountants, New York City.

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Mr. HOLLIS. Mr. President, now that the real transportation bill has been taken up, I desire to call the attention of the Senate to the fact that the pending amendment is an amendment which was tendered by me last Monday, seeking to amend the first section of the bill. I now desire to explain the amendment and to discuss some of the terms of the bill.

The bill is primarily intended to give to the administration the power to direct what freight shall be shipped in different parts of the country. As has been stated by a member of the Council of National Defense, the bill is intended to give the Government a right to ship essentials at the expense of non-essentials; and I am sure that the Senate will wish to give the administration proper authority toward that end, for it is a fact, no matter how much we may differ as to the details that have been discussed here to-day, that we are in the midst of a very serious war, one that will tax the resources of the country both in men and in money to prosecute successfully.

The bill in section 2 deals with what is called the priority of shipments on railroads. It deals with the priority of shipments on all railroads and upon all common carriers by sea and by land. There is, however, added to the general plan for priorities of shipment section 1, which makes it a criminal offense, punishable by fine or imprisonment, for any person by physical force, threat, or intimidation to obstruct or retard interstate commerce. My amendment is designed to prevent that language from having the full effect that it would have if it were allowed to stand as it is. I will read my amendment, which is to be added at the end of section 1:

Provided, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914.

The bill as drawn, as I have said, makes it a criminal offense to retard interstate commerce by physical force, threat, or intimidation. I have no doubt the bill was intended to mean that obstruction of interstate commerce by threat of physical force or intimidation, or through physical force, should be punished; but as it now reads any threat to create a strike on any railroad engaged in interstate commerce or anything that might be construed as an intimidation, anything in the way of refusal to trade or of boycott, or even persuasion, not of the most peaceable kind, might come within section 1 of the act. That was not intended, and it ought not to be done.

When the Sherman antitrust act was passed, it was aimed at monopolies, at combinations of capital. It was not intended to apply to organizations of laboring men to promote their welfare; but some courts saw fit to apply it in that way, and it has been so applied; therefore, when the Clayton Act was before the Senate in 1914, amendments were added to the antitrust laws providing that labor organizations and their members might pursue their legitimate objects so long as they pursued them by legitimate means; that is, not by the use of physical force.

It was further provided in section 20 of the Clayton Act that injunctions should not be issued against strikes unless they were necessary to prevent irreparable injury; and the method of making that proof clear to the court is clearly defined in the act.

Section 20 of the act also provided that there should be no injunctions against strikes by peaceable means; that there should be no injunctions against peaceful assemblage, persuasion, boycotting, refusing to patronize, and so forth. Then the section wound up with these words:

Nor shall any of the acts specified in this paragraph be construed or held to be violations of any law of the United States.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I yield to the Senator.

Mr. BORAH. If I understand the proposed measure which we are now considering, it relates only to a time of war.

Mr. HOLLIS. That is true.

Mr. BORAH. Does not the Senator think there is some necessity for a different provision in time of war than what there would be in time of peace with reference to the subject matter which he is now discussing?

Mr. HOLLIS. I think there may well be a distinction; but unless it is intended to incorporate a provision against strikes in the bill, and unless the matter was fully considered and members of labor organizations had an opportunity to be heard, I think it ought not to be put into the bill in this form, so that there should be doubt as to what we intended to do and as to the construction that may be put upon it by the court. I understand it is not the intention to prohibit strikes, and I want language in section 1 which will not prohibit strikes by anyone.

Mr. BORAH. Mr. President—

Mr. HOLLIS. If the Senator will pardon me a moment, I desire to say that if any Senator will call the attention of the Senate to any necessity that exists during war time to give more power to prevent strikes, then we can handle the matter man fashion, and every one will have a fair chance.

Mr. BORAH. Do I understand that it was not the intention of the committee to say what the committee has said?

That on and after the approval of this act any person or persons who shall, during the war with Germany, knowingly and willfully, by physical force, threats, or intimidation, obstruct or retard or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce—

It seems to me that section 1 would be practically worthless unless it means precisely what it says; in other words, we could not afford to have interstate and foreign commerce interfered with by force or threats or intimidation, regardless of who might use the force or threats or intimidation.

Mr. HOLLIS. My understanding from the committee is that section 1 was intended to apply to those outside the employ of the railroads, to interference from the outside, and not to apply to strikes legally conducted. I do not know that that expressed the thought of all the members of the committee; I did not talk to all of them; but I talked to the members of the subcommittee who drafted this bill.

Mr. TOWNSEND. Mr. President—

Mr. HOLLIS. I yield to the Senator from Michigan.

Mr. TOWNSEND. That was not my understanding, Mr. President, as a member of the committee. I was not a member of the subcommittee, but I do not recall that any such thought was suggested by the subcommittee which made this report possible.

My understanding of this bill was, as stated by the Senator from Idaho [Mr. BORAH], namely, a provision which would enable the Government to keep the railroads in operation against any force or intimidation or threats of force or intimidation if those threats were sufficient to tie up the commerce of the country. That is my understanding of it.

Mr. BORAH. Mr. President, if the bill does not mean that, then, of course, in my judgment, the first section might just as well be eliminated.

Mr. NEWLANDS. Mr. President—

Mr. HOLLIS. I yield to the Senator from Nevada.

Mr. NEWLANDS. I will state, Mr. President, on behalf of the committee, that the understanding of the committee was that at this extraordinary session the question of strike legislation, which was a prominent question at the last session and the preceding session, should not be brought up.

As to the language of section 1, so far as my individual views are concerned, I wish to say that I believe in carrying through at some time the strike legislation which was recommended by the Committee on Interstate Commerce at the last session, and that individually I should like to press it to the front at this session, but that was not the view of the committee.

Section 1 of this bill was shaped in order to prevent the tying up or the hindrance of trains moving in interstate commerce, either by physical force or by threats or intimidations. It was not intended, however, by the committee that it should affect the right of peaceful strike, the practicability and wisdom of such legislation being left to the future. Hence, when the amendment was suggested by the Senator from New Hampshire [Mr. HOLLIS] that the word "threats" should be limited to threats of physical force, and that the word "intimidation" should be limited to intimidation by physical force, it was pointed out that every purpose of the friends of organized labor was met by sections 6 and 20 of the Clayton Act, with which the Senate is familiar, and which are unaffected by section 1. The Senator from New Hampshire has expressed his willingness to be content if a provision is inserted in this section that nothing contained in it shall affect the operation of sections 6 and 20 of the Clayton Act. So the subcommittee, consisting of the Sena-

tor from Iowa [Mr. CUMMINS] and myself, assented to that amendment as clearly carrying out the intentions of the committee that nothing in this bill should affect the powers of co-operation, of organization, and of peaceful strike guaranteed by sections 6 and 20 of the Clayton Act.

Now, with reference to the limitation to the period of the war, I see no reason why section 1 should not permanently apply. I believe that the law should be so shaped as to absolutely prevent any stoppage of the circulation in the arteries of commerce; but it is the view of the committee that our legislation should be operative simply during the war. The purpose of the committee was to insure speed of legislation, to avoid contests and delays that were unnecessary, and to create the powers of speeding the traffic of this country during the war. Those were the main purposes of this bill.

I wish to state, Mr. President, most emphatically that I favor in the future making section 1 permanent legislation, and I favor in the future legislation that will give to the railway brotherhoods a fair tribunal, in which labor disputes can be adjusted, and in the same piece of legislation absolutely staying during the period of investigation and award, and for a reasonable time thereafter, the power of strikes. But I yielded to the sentiment of the committee—the majority of the committee, at least—which was not in favor of opening up these controversies at this time, when the brotherhoods of the country are showing the utmost loyalty and when their leaders are united with the great Council of National Defense in making the prosecution of the war as thorough, as rapid, and as efficient as possible.

Mr. BORAH. Mr. President, if I may ask a question of the Senator, I have no doubt the brotherhoods are showing the utmost loyalty and will cooperate with the Government and with the railroads; I can not imagine who is not showing the utmost loyalty or to whom this law would apply at all. If it is to be assumed that it would apply to anyone, it would apply to one class of citizens just as much as to another. Why assume, in view of the fact that the brotherhoods are displaying their loyalty, a condition of affairs in which they might not display their loyalty and in which they might desire to strike and to interfere with interstate commerce? How does the brotherhood get into this at all? Here is a war measure, an emergency measure, providing against interfering with commerce by anybody under any circumstances. Why do you single out the brotherhood, or anybody else, and say that perhaps they may want to interfere?

Mr. HOLLIS. There is exactly the trouble, Mr. President.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. HOLLIS. If the Senator will pardon me, I will yield in a moment.

Out of the many millions of wage earners in the country the railroad brotherhoods, if this language stands, are singled out as the only ones to be made criminals in case they do go out on strike. That is a most excellent reason why they should not be covered by this provision.

Mr. BORAH. The brotherhoods will not be the only ones, because anyone else might interfere, if they so desired, by force or threats or intimidation with interstate commerce.

Mr. HOLLIS. But they can not do it by strike, and the brotherhoods can not do it in any way except by strike.

Mr. BORAH. There is no reference here to strikes—

Mr. HOLLIS. That is the trouble.

Mr. BORAH. Nor to brotherhoods nor to anybody else. It is a general reference against threats, against intimidation, against physical force. It applies to John Jones as well as to John Smith, one of whom may be a member of a brotherhood and the other not.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken in that.

Mr. CUMMINS. Mr. President—

Mr. HOLLIS. I yield to the Senator from Iowa and will answer the Senator from Idaho later.

Mr. CUMMINS. Mr. President, it seems to me that the argument is assuming something which, from my standpoint, has not been established. It is very difficult to give the sentiment of a committee upon a matter which has not been directly voted upon in the committee, and I think that every member of the committee must necessarily speak for himself rather than for the committee as a whole. From that point of view, I may be permitted to say, if the Senator from New Hampshire will allow me, that I did not believe that section 1 ought to be in the bill at all. It has no relation whatever to the subject matter which was brought to the attention of the chairman of the committee by the President and which was thought of suffi-

cient importance to require immediate legislation, but when section 1 found its way into the bill, there arose the inquiry naturally, Does it prohibit a peaceful strike? It seems to be assumed here that we must have the amendment offered by the Senator from New Hampshire—and I am entirely in sympathy with that amendment, I will say in passing—in order to relieve railway men of the prohibition against a peaceful strike. I do not so agree. Without the amendment of the Senator from New Hampshire, railway men will have the right to strike; that is, to leave peacefully in concert the employment in which they have been engaged.

Mr. BORAH. I do not disagree with the Senator at all about that.

Mr. CUMMINS. That is the position I have taken all the while, that the statement by union men that at a certain time they will leave a certain employ is neither a threat nor is it intimidation. The "threat" that is provided against here is the threat against a man who proposes himself to engage in the operation of a railway or a carrier doing interstate commerce, and that is equally true of the word "intimidation." It was my opinion, therefore—and I think it was the opinion of a majority of the committee—that a prohibiting physical force and threats and intimidation so far as either might obstruct interstate commerce, they were not prohibiting nor making criminal the action of union men in peacefully quitting employment; but when the question came before the Senate, the Senator from New Hampshire, with a very proper motive in mind, sought to guard against the possibility of this prohibition being construed to be a command against a peaceful strike, and when that suggestion was made there was one way in which to quiet that fear, as it seemed to me, and that was to preserve to the union men the rights and privileges which have been assured to them in the Clayton Act.

Section 20 of the Clayton Act does not give a union man the right to interfere by either physical force or threat or intimidation so as to obstruct commerce among the States; and the amendment offered by the Senator from New Hampshire is simply an illustration of a thing we do every day here, and that is, to "make assurance double sure" by removing all doubt with regard to the operation of the act we are about to pass. I hope the amendment will be adopted, although I do not think it is at all necessary to secure the result the Senator from New Hampshire has in mind.

Mr. BORAH. I should like to ask the Senator from New Hampshire a question.

Mr. HOLLIS. I am making by proxy a much better speech than I could have made myself; but I should like to try my hand if I can get an opportunity.

Mr. BORAH. Very well; I will not interrupt the Senator.

Mr. HOLLIS. The discussion we have already had has gone far enough to show that this ought to be made exceedingly clear, because here is a new enactment giving to the courts the right to send a man to jail if he does something that is defined in the act and in language which may be taken by some courts to cover a peaceful strike. I am certain that if the act is left as it is there will be found railroad attorneys who will seek to obtain indictments against men for such action. I talked to a railroad attorney within the last week, a very prominent one, who said to me, "I suppose you understand if your amendment is adopted it will leave open to the railroad men the right to boycott and refuse to patronize and to use moral suasion just as is allowed under the Clayton Act?" I replied, "Yes; that is exactly the intention, and that is the way it ought to be." I am certain that the railroad attorneys hope that, if this amendment is not adopted, they will be able to hale before a criminal court the head of any brotherhood who says that he will advise the men to leave on strike if the requests or the terms of the union are not met.

Therefore I think it should be very carefully guarded, and it is the intention of the committee to guard it, and they do not intend it to mean any more than it will mean after this amendment is adopted, if it is adopted.

I say that it is not right at this time to single out the railroad brotherhoods, who under great provocation have behaved remarkably well all this past winter and spring, and pass a criminal law that will apply to them, and them alone, because they are the only ones who can strike on a railroad. If anyone else attempts to interfere with the railroad it is interference from outside, and this act will apply to them. Now, if it is the intention of the Senator—

Mr. BORAH. Mr. President—

Mr. HOLLIS. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the Senator a question, because it may be that if I understand thoroughly what is intended

here and what will be covered I shall not feel about it as I now do.

Suppose that the brotherhoods—as they have been mentioned here—should go upon a peaceful strike, should quit, as I think they have a right to do and you can not under our Constitution prevent them from doing. But suppose that after having quit the service of the company they indulge in threats, intimidations, and the use of physical force toward those who may be called in by others to operate the roads. Would they be permitted to do that under this proposed measure?

Mr. HOLLIS. Under the amendment? I think not. I do not think they would be permitted to make any threats of physical force under the Clayton Act.

Mr. BORAH. Then, as I understand, if they should indulge in a peaceful strike and leave their work it is the Senator's opinion that this inhibition against threats, intimidation, and physical force would apply to them the same as anybody else?

Mr. HOLLIS. Not at all. I did not state that. I said that before they leave, the threat that they would leave would come under the terms of this section as it stands now.

Mr. BORAH. Yes; but I think the Senator misunderstood me. Suppose they have left. Suppose the strike—

Mr. HOLLIS. I am not talking about their having left. I am talking about before they leave. That is what I want to cover now. After they have left, a very different situation arises.

Mr. BORAH. Exactly. That is what I thought; the Senator misunderstood me. After they have left, they would not be permitted to indulge in threats, physical force or intimidation, any more than any other citizen?

Mr. HOLLIS. No; I say not; but they would not want to. There would not be any point in it, of course.

Mr. BORAH. I think myself they would not want to.

Mr. HOLLIS. I think there would be no point in it.

Mr. CUMMINS. Mr. President, section 20 of the Clayton Act does not permit them to indulge in threats, or intimidation, or physical force.

Mr. BORAH. I think that is correct, as I remember the section, although I think the Senator from Iowa and I disagreed as to the meaning of section 6 in the past.

Mr. HOLLIS. Mr. President, the objection I have to raising this question of strike legislation at this time is that it has nothing whatever to do with this priority-in-transportation bill. The administration did not ask for it. I do not know who drew the section, but I might suspect. It ought not to be here. If it is allowed to remain in its present form, it will imperil the passage of the bill, because, as I view it, no friend of organized labor could vote for this bill unless section 1 is amended. I am very anxious to vote for the bill and to have it become effective as soon as possible; and I shall try to express, in what I have to say, the views of those who are friendly to the bill, and explain why I want to vote for it.

In the first place, there is at present quite a satisfactory condition existing in railroad transportation so far as priorities are concerned. There is a committee on railroad transportation attached to the Council of National Defense. It is a committee of railroad presidents and other railroad officials here in Washington cooperating with the administration in a very patriotic and efficient way to bring about the transportation of essentials at the expense of nonessentials; but there is discrimination. Every time they do it, and say to a road that wants to carry furniture or automobiles, "You must carry coal or iron; you must carry steel, so that we may build ships," they are violating the terms of the interstate-commerce act, which says there shall be no discrimination. Everyone is entitled to have an equal opportunity with every other one to have his goods carried on a railroad. Moreover, we are violating the terms of the State laws and some municipal laws to the same effect; and the railroads themselves now ask for protection so that what they are doing will be legal, and so that they can not be sued or perhaps prosecuted under the terms of the interstate-commerce act for what they are doing very patriotically and very loyally.

It is provided in this bill that if railroads are required to ship certain goods or certain classes of goods instead of others that may be less remunerative, they shall be entitled to compensation from the Government for them. Now, that did not appeal to me at first. We can not be too flabby about the way we conduct this war. We have got to require things of many people that we do not pay for; and I thought that the railroads, if they were required to do things in the national defense that were less profitable to them than others, did not come under the fifth amendment of the Constitution, which provides that no private property shall be taken for public use without just compensation.

I should like to refer to the case of an embargo. Assume that the President should put an embargo on grain. That would have a tendency to reduce the price of grain. The farmers might well complain and say, "Instead of selling our grain at \$3, by the action of the Government we have got to sell it at \$2, and therefore the Government ought to give us just compensation for that." But all of us know that we could not allow compensation for an interference with the right to export goods. The country would not stand it, and it is not intended that we should. Placing an embargo is not taking the property of the farmers. It is making what they have less valuable, but it is a speculative damage that can not be compensated for in courts of law or other tribunals.

Then I took the case of the transportation of troops. Now, no one would claim that a railroad should be obliged to transport troops without receiving adequate compensation for it. That is because what the railroad produces and sells is transportation. When we take the railroads' transportation—that is, when we take from them facilities for which they are entitled to charge—we are taking away their property; we are taking away the only thing from which they can get a revenue. Therefore I have come to the conclusion that it is entirely proper, in case we direct a railroad to carry freight that is unremunerative when freight that is in the remunerative class is offered, that we should pay them whatever loss and damage they fairly suffer from that operation.

It is also provided in the bill that in certain cases the administration may require a division of earnings between railroads. That is to cover a case like this: Some railroads are so constituted that they can not carry loaded cars with as good effect as some other railroad in the vicinity, but the first railroad may be adequately equipped to return empty cars. Now, the return of empty cars is not profitable. The carrying of loaded cars is profitable. In a situation of that kind, where one railroad is discriminated against in favor of another, the administration, through whomsoever the administration acts, is to be given authority to order an equitable division of the earnings.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. HOLLIS. I yield.

Mr. BRANDEGEE. I have just come on the floor, and I do not know whether or not the Senator has referred to the point concerning which I am about to inquire. I notice, however, on pages 4 and 5 of the bill, that provision is made for compensating the railroads for any damage they may sustain in the carrying out of any preferential orders issued by the President. I do not know whether or not the Senator has been concerned in the preparation of this bill, but, at any rate, he may be able to answer my question.

If it is right to compensate the railroads for damage sustained by carrying out an order issued practically in contravention of the natural law of trade or commerce, why should not provision be made for compensating other citizens of the country? For instance, if a man has a contract to erect a large building, and his lumber and his building materials are en route, and he is under a contract with a penalty attached for overtime after the date of delivery, and the President of the United States steps in and orders other commodities to be transported over that road, which results in great delay and expense to this private citizen, it seems to me that if the railroad is to be compensated for loss in obeying the President's orders, the private citizen ought to have some remedy. I wondered if the Senator had considered that feature.

Mr. HOLLIS. I have considered it, and somewhat carefully. There are two branches to it. The first is whether we have a constitutional duty to perform in regard to it, and the second is as to the expediency. Now, I take it that we are not obliged to allow compensation for taking away a privilege of that kind, because the Constitution did not mean, in taking private property, that it should cover cases of taking away a privilege to transport. I think we are not required by the Constitution to do it.

Mr. BRANDEGEE. Mr. President, I did not mean to suggest the constitutional feature at all.

Mr. HOLLIS. That is the first part of it. The second part of it is whether we should do it as a matter of justice and discretion.

Mr. BRANDEGEE. I did not ask that, even; but I say, Why prefer the railroads and compensate them and not compensate the private citizen?

Mr. HOLLIS. I explained before the Senator came in that the reason why we should compensate the railroads is because the only thing the railroads have to sell is transportation, just

transportation; and when we take away the right to earn a fair and just amount for transporting freight and passengers, we have taken away their only means of getting an income, and we are actually taking away their property.

Now, coming to the discretion of it, the speculative damages that might result to a private citizen because he could not fulfill the contract are so remote that they could not be ascertained by a court. It is recognized by all the authorities that speculative damages of that kind can not be recovered from a private citizen; and I feel myself that we would be getting into such a wide field that it would not be good policy for the Government to try to follow it to that extent.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I yield.

Mr. NORRIS. I should like to ask the Senator, on that point, this question:

Suppose, by order of the President, a railroad should be required to transport troops and munitions of war for a certain length of time and afterwards they were able to show that if they had been permitted to carry coal instead of troops they would have made more money. Would that be a case where they would be allowed to come in and show damages and obtain them?

Mr. HOLLIS. I understand not. Where goods are taken for a direct governmental use, such as the transportation of troops, there is to be an amount fixed by the Interstate Commerce Commission, and that is compensation in full. The bill does not apply to cases of that sort. Damages are to be given only to a railroad that is ordered to take one class of freight instead of another class of freight. It does not extend to the transportation of troops.

Mr. NORRIS. Suppose, then, that the railroads were ordered to carry wheat, and they could show that they would have made more money if they had been allowed to carry coal, and they were equipped to carry coal. Could they get damages in that case?

Mr. HOLLIS. Yes; the bill expressly covers a case of that kind.

Mr. NORRIS. Does not the bill in the first place provide that they could get pay for carrying wheat at the regular rate?

Mr. HOLLIS. Yes.

Mr. NORRIS. Then, it is an indirect method, is it not, of increasing the rate of the railroad over what other railroads could get for the transportation of that particular commodity?

Mr. HOLLIS. Yes; it is; and I feel that it should not be done unless there is a real public exigency. That is what I was going on to explain—what the public exigency is and how far I feel we ought to go in making discriminations of this sort for which we have to pay in cash. Senators may well differ on that point.

I should like now to give some illustrations.

Mr. NORRIS. While I am on my feet, may I ask the Senator a question in regard to section 1, as to his construction of it?

Mr. HOLLIS. With pleasure.

Mr. NORRIS. It is a little bit different from the particular question I have asked the Senator.

On page 2 of the bill, beginning after the word "imprisonment," in line 5, is this language:

And the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of the passage of the mail—

And so forth.

Now, up to the point where I commenced to read, there is no doubt but that the law applies only during the war with Germany. I wanted to ask the Senator whether that part of section 1, commencing where I commenced to read, likewise applies only to the war with Germany, or will it be permanent law if enacted as it stands now?

Mr. HOLLIS. I think there is no doubt that that is limited to the duration of the war for this reason: The part the Senator has read refers to "such obstruction or retardation." That refers back to the retardation and obstruction defined in the preceding paragraph, which is retardation and obstruction during the course of the war; so I think it would clearly cover only the war.

Mr. NORRIS. But the Senator will note also that section 1, up to the place where I commenced to read, makes criminal certain things during the war and provides for a criminal penalty, and then it starts out and gives certain authority to the President, but it has no relation whatever to the real purpose and object of the section up to that point—that is, the criminal part of it. It seemed to me that there was a serious

question, at least, whether the latter part of section 1 would not be permanent law if it were enacted in its present form.

Mr. HOLLIS. I am quite clear it is otherwise. Of course, that could be very easily fixed by inserting the proper words at that point.

Mr. NORRIS. It was not the intention of the committee to make it permanent law, was it?

Mr. HOLLIS. So they informed me.

Mr. NORRIS. I understood that the Senator had been prominent in drawing the bill.

Mr. HOLLIS. No; I was not. I had nothing to do with drawing the bill. I talked with them, however, and I understood them in that way.

Mr. NORRIS. Then I was mistaken.

Mr. JONES of Washington. Mr. President, in connection with the other phase of the bill which the Senator was discussing, I should like to ask him a question or two before he proceeds. I am going to refer to a particular situation which has been brought to my attention.

In one section of my State we raise a great deal of perishable fruit which must be disposed of very quickly. The officials of the railroads have already advised our people that the probabilities are that they will not be permitted to furnish transportation facilities for taking care of this perishable fruit. I think myself that that is a very injudicious thing to do at this time. I think special efforts should be made to take care of particular situations like that in particular localities. Nevertheless, that is what they have done.

If the cars of the Northern Pacific Railway, for instance, that ordinarily would be used in transporting the berries and things like that of our section, are diverted to some other transportation purpose that would bring them in less return than the transportation of these fruits, would the railroad be entitled, under the terms of this bill, to recover the difference?

Mr. HOLLIS. It is so stated in the bill; yes.

Mr. JONES of Washington. And yet the man who loses his crop absolutely by reason of not getting any facilities for transporting and taking care of it would have no claim of any kind against the Government?

Mr. HOLLIS. That is my understanding.

Mr. JONES of Washington. I want to ask the Senator further with reference to the particular language of section 2. The language of section 2 is:

That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense—

To do certain things. Now, in the Senator's opinion, what do those terms signify? In other words, what I want to ask is this: Could not the President say under that language that the refrigerator cars of the Northern Pacific that have been ordinarily used in the transportation of fruits should be taken from that and used in the transportation of beef into the city of Chicago, for instance, for consumption there? Does not the Senator think that that could be done?

Mr. HOLLIS. Yes; I so understand it, and I think it is absolutely necessary. We are engaged in the war, and it is the first duty of the administration and the Congress to see that we win the war, of course, doing as little injury to private persons as is compatible with winning the war. Now, it is well known that the transportation facilities of this country are not adequate to do the business that the country is trying to do at this time. We have not cars enough, we have not locomotives enough, we have not tracks enough, we have not ships enough. Some one has got to be given the authority to discriminate, because they can not all be treated alike. They can not all get their work done. There will be certain industries in my own State that will be complaining bitterly because they are discriminated against. There will be others in the Senator's State. There will be some, no matter what is done, that will think they have not been fairly treated. It is a war measure. I should not be in favor of permitting it at any other time except in war; but I realize, as the Senator does, that the people must be fed, they must be clothed, they must be warmed, we must feed our allies, we must furnish transportation to our troops, we must build ships, we must get in munitions of war; and we have got to subordinate private comfort and luxury and convenience and even profits to winning the war. That is the excuse for the bill, as I understand it.

Mr. JONES of Washington. I think I agree fully with the suggestions of the Senator; but I remember that when the espionage bill was up, and the embargo proposition was before the Senate, it had in it, my recollection is, language something like this: "Whenever the President deems it to the interest of the national defense or public welfare," he may do certain things. Those words "public welfare" were stricken out be-

cause it was urged that under that the President would have authority to impose embargoes in the interest of some section or some industry, or something of that sort; that by cutting them out we were limiting his right to impose these embargoes to some definite proposition for the defense of the country; and so it struck me that possibly there was some significance or some meaning of that kind in the language here, "the public security," not "public welfare" but "public security and defense." Therefore I wanted to get the views of the Senator with reference to that.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I want to say that as a member of the committee that proposed this bill I do not quite agree with the Senator from New Hampshire in all the responses he made to the Senator from Washington. However, that may come later; but I want the Senator from Washington and every other Senator who is here to remember that this is a mere alternative. We must either give the President this power or some equivalent power, or take possession of the railroads. One or the other of those two things must be done if the war is to be carried on successfully; and I think it was with the view of the committee that it was better to give the President the power that is here proposed than to attempt to take possession of the vast railway property of the United States and attempt to organize it for operation.

I hope that Senators, as they come to review the proposed legislation, will have those alternatives in mind.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. HOLLIS. I do.

Mr. JONES of Washington. I do not want the Senator from New Hampshire or the Senator from Iowa to think from my questions that I am opposed to this bill or to the purposes of it. I am simply asking questions to get at the real meaning and intention of the committee. Personally, I am inclined to think that it is really essential that we should vest these powers in the President, however much we may regret to have to do so, in the conditions; and I am not disposed to delay the consideration of the bill at all. I am willing to vote upon it now, believing that the committee have given it the most careful consideration, and that they simply deem this absolutely necessary on account of the condition in which we are now placed. But I did want to get at the meaning of these terms, and I wondered whether there was any peculiar meaning to be attached to the words "public security and defense."

Mr. HOLLIS. I am not a member of the committee, and I am not qualified to express their views.

Mr. JONES of Washington. I thought the Senator was. Everybody was asking him about the different terms here, and I just assumed that the Senator was a member of the committee.

Mr. HOLLIS. I am trying to show what a good bill it is, and that it is too bad to embarrass the chances of its passage by putting on section 1, unless it is amended, because I can not vote for it unless it is.

The essentials that the railroads and the administration want to carry are largely coal for the use of the Army and the Navy, coal to be used in the manufacture of ships and munitions of war, ore as a base for ships and munitions, grain for the United States and for the allies, and iron, steel, and copper for munitions. Those are the fields they are now covering. They are distributing the cars of the country, ordering one railroad to deliver so many hundred cars to another railroad because those cars, in their judgment, are needed more on the other road than on the road that has possession of them. I will put in the RECORD, without reading, an order that is given by the Council of National Defense with reference to the use of cars.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

[General Order No. C. S. 3.]

THE AMERICAN RAILWAY ASSOCIATION,

SPECIAL COMMITTEE ON NATIONAL DEFENSE,

Washington, D. C., June 1, 1917.

To all railroads:

The executive committee of the Special Committee on National Defense, after continued and earnest consideration of the lake coal and ore problem, and after taking advice from all parties interested, in order to insure a sufficient supply of cars to meet the demand of the shipments of lake coal and ore has decided that hopper or self-clearing cars of certain ownerships should be confined to that service.

To accomplish this purpose and in accordance with this policy you are hereby directed that all hopper or so-called self-clearing cars belonging to the railroads named below, which roads make deliveries of coal

at lake ports, must, until further notice, when released from original load, be immediately returned empty by the most direct route to the home road:

Baltimore & Ohio Railroad; Bessemer & Lake Erie Railroad; Cincinnati, Hamilton & Dayton Railway; Erie Railroad; Hocking Valley Railway; New York Central Railroad; Pennsylvania Lines (Pennsylvania system cars); Toledo & Ohio Central Railway; Wheeling & Lake Erie Railway.

Emergency rule 1 of General Order CS-1, dated April 26, 1917, is hereby modified as and in accordance with the above.

THE COMMISSION ON CAR SERVICE.

Mr. HOLLIS. Of course munitions are the most important thing the country is trying to supply, and the railroads wish to order coal from certain parts of the country to certain munition plants. Cars must be assigned to special districts for steel and for coal. New England must get its coal; the great Northwest must get its coal, and there must be food for France. The domestic dealers are beginning to object, and they will soon be objecting much more than they have so far; and the railroads must have not only the physical power to make these preferences but they must be given the legal authority, so that they will not be liable to prosecution for what they have done.

Of course the railroads would prefer to carry the nonessentials, because automobiles and higher class goods, so called, pay better freight rates than coal and iron and the lower class goods; but it should be noted that section 2 applies not only to interstate commerce but applies to all carriers by rail and by water. I can not see how section 2 will be constitutional unless this is done as a war measure; and that leads me to consider whether we have a right to order all carriers by rail and by water, whether engaged in interstate commerce or not, to yield to priority of shipment. I wish to put into the RECORD at this time, in a very brief form, the provisions of the Constitution which I think do give authority to Congress to pass this law.

If there were no provisions in the Constitution, I should believe that Congress had a right to pass the laws as defense measures, under the general power of the Nation to secure its self-preservation; but in the very preamble of the Constitution it is provided that the objects for which the Constitution is adopted are—

To form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

Then, in Article I, section 8, the very first power given to Congress to pass laws is the power to collect taxes, to pay the debts of the Government, and provide for the common defense and general welfare.

I wish to read into the RECORD at this point the provisions in the Constitution regarding the powers of Congress under which we are authorized to conduct war:

Article I, section 8, clause 11: Congress may institute war by declaring it against an enemy. The President alone can not do so. Also, Congress may make laws concerning captures on land as well as on water.

Article I, section 8, clause 12: Congress may raise and support armies and provide and maintain a navy.

Article I, section 8, clause 14: Congress may make laws for the government of land and naval forces.

Article I, section 8, clause 15: Congress may provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion.

Article I, section 8, clause 16: And may provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

And then at the very end of section 8, Article I, it is provided that Congress may—

make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The war clause has not been frequently construed by our Supreme Court. There is no case that comes much nearer than the old case of *McCulloch v. State of Maryland* (4 Wheaton, 413), and in that opinion the principle is laid down—and it has never been successfully controverted—as follows:

If the end be legitimate and within the scope of the Constitution, all means which are appropriate and plainly adapted to this end and which are not prohibited by the Constitution are lawful.

And, in the *Legal Tender* cases, *Hepburn v. Griswold* (8 Wallace, 603); *Knox v. Lee*, and *Parker v. Davis* (12 Wallace, 457), the same idea is expounded more at length, for the *Legal Tender* cases were passed as a war measure.

In conclusion, the railroad officials are performing patriotic services. The facilities of the railroads are at present inadequate to perform all the business of the country. There must be discrimination against some classes of traffic, and the discrimination should be applied in order to help the Government win the war. The railroads are in need of compensation for all the damages which they may suffer in this regard, for the railroads are now inadequately equipped for doing the business of the country because of the lack of sufficient revenue. I

myself should prefer to give them compensation for losses suffered because of priorities in shipment, rather than to give them a general increase of freight rates, because in the first instance they have, in my opinion, a clear right to it; while under an advance in rates they may not have a clear right.

I think practically all of the railroad officials who are now doing the country the service of allotting transportation facilities in the best way opposed the election of President Wilson. I think, almost without exception, these men are Republicans, but they are backing the administration at this time loyally and patriotically. They come to Congress and ask that the administration be given the authority to perform the acts which are now actually being performed; and I can see no excuse for those who are Democrats and who advocated the election of President Wilson opposing giving him the authority that is necessary to conduct this war successfully, and particularly to give him the authority that he needs in transportation matters. Therefore, because I believe the second section of the bill is most valuable and that it should become law, I sincerely hope the first section will be so amended that those who share my views may be able to vote for the entire bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire.

Mr. SMITH of Michigan. Does not the Senator think we ought to have a quorum present?

Mr. NEWLANDS. I do not think it is necessary.

The PRESIDING OFFICER. The absence of a quorum is suggested—

Mr. ROBINSON. Mr. President, the Senator from Michigan has not suggested the absence of a quorum, if the Chair will pardon me.

The PRESIDING OFFICER. The Chair misunderstood the Senator from Michigan.

Mr. ROBINSON. The Senator from Michigan merely made the inquiry.

Mr. SMITH of Michigan. If there is no disposition to have a quorum present, I shall not insist upon it.

Mr. NEWLANDS. I ask for a vote, Mr. President.

Mr. BRANDEGEE. Mr. President, I believe it was last Saturday that the Senator from New Hampshire offered his amendment providing substantially that nothing in the bill should be construed to alter or in any wise modify or repeal sections 6 and 20 of the so-called Clayton Act. In order to be informed about the matter, I asked at that time that sections 6 and 20 of the Clayton Act be printed in the RECORD, which was done.

I am unable to perceive the necessity for the Senator's amendment, because, as I read the bill and sections 6 and 20 of the Clayton Act, there can be, in my opinion, no incompatibility between the two sections of the Clayton Act and the provisions of this bill. I think it is a perfectly irrelevant amendment. I think it is equally as irrelevant as though the amendment provided that nothing in this bill should be construed to repeal the Sherman antitrust law. However, I have no objection to its adoption if it will serve to soothe or allay the apprehension that may exist in the mind of anybody about it. When I made my inquiry last Saturday, as I said at the time, I did not do so because I was opposed to the amendment, but because I did not understand the necessity for it.

Mr. BORAH. Mr. President, after examining this amendment and section 6 and section 20 of the Clayton Act, I have arrived at the same conclusion as that expressed by the Senator from Iowa [Mr. CUMMINS] and also by the Senator from Connecticut [Mr. BRANDEGEE] that the amendment does not really affect the situation, if I may say so, one way or the other. It may be that some attorney might contend for a construction such as the Senator from New Hampshire [Mr. HOLLIS] has suggested; but I do not see how any construction could be placed upon the proposed bill which would in anywise conflict with section 6 or section 20 of the Clayton Act. Section 6 of that act reads:

SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Section 20 of the Clayton Act reads as follows:

SEC. 20. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party mak-

ing the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

The remainder of the section I will not read, but will ask to have it inserted in the RECORD, without taking the time of the Senate to read it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remainder of section 20 of the Clayton Act is as follows:

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party in such dispute or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Mr. BORAH. The provision of this bill which is supposed to conflict with that provision of the law is as follows:

That on and after the approval of this act any person or persons who shall, during the war with Germany, knowingly and willfully, by physical force, threats, or intimidation, obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor—

And so forth.

I do not see, Mr. President, any conflict between the proposed measure and the Clayton Act. I do not think this amendment if adopted will change the bill in any respect so far as its being or not being in conflict with the Clayton Act. I shall not, therefore, detain the Senate in discussing what seems to me a wholly immaterial amendment.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I now offer the amendment which I presented some days ago, and which concerns the last five lines of the bill. I should be glad to have the amendment stated if it is at the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 20, after the word "direction," it is proposed to insert the words "for preference or priority," and on the same page, line 22, to strike out the words "on account of any such action" and insert the words "by reason of giving preference or priority in compliance with such order or direction."

Mr. CUMMINS. Mr. President, just a word of explanation. I am somewhat responsible for the language of the bill as it is drawn, but upon suggestion and reflection I have reached the conclusion that it might be a little clearer. It was thought by some Senators that the bill as it is might result in exempting from civil or criminal pains, penalties, obligations, or liabilities in cases other than those in which the carrier gave preference or priority. I do not think that such a construction would be put upon the language, but in order to put it beyond any controversy, it being the intention of the committee that the exemption should be confined to the consequences of giving the priority or preference as directed by the President, I have offered the amendment which has just been read. It simply means that if a common carrier, in obedience to a direction of the President or the tribunal that he appoints as his representative, shall give preference or priority to certain shipments or certain kinds of transportation, the carrier shall not be held liable to the law because it obeys the order of the President and does give priority or preference to such shipments or transportation. The obvious justice or equity of the provision needs no suggestion on my part.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

Mr. SMITH of Georgia. Mr. President, I have just come into the Chamber from the Finance Committee, and I should like to hear the amendment stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I grant that there is a condition which, perhaps, requires some legislation, but I do not grant that there is a condition that justifies practical despotism in the United States. I think we go the length under our Constitution when we make one man Commander in Chief of the Army and Navy. I am utterly opposed to legislation which adds to the unrestricted power of one man. We may be satisfied with it now because we have such confidence in the man who fills the place. I might be willing for one particular man to have all these powers, but to give the powers of practical despotism to one man becomes dangerous for future time. The precedent will be followed hereafter, and each time it is followed the probabilities are that an enlargement of the disregard of public rights will be the consequence. If I had my way I would amend the Constitution of the United States and put the command of the Army and Navy in the hands of a military board, and not allow one man to rule even the Army and the Navy. I believe it would be better for the country as a permanent proposition. I am not opposing this measure from the standpoint of opposition to the present President exercising the power, although I do not think he or anybody else has the knowledge needed for all the power that it is proposed to lodge in him. Now, let us see what this bill does.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. I did not clearly understand the Senator from Georgia. May I ask if he would favor the bill if it were amended so that it would terminate at the close of the present administration?

Mr. SMITH of Georgia. I suppose, of course, that it contains that provision. I would not favor giving any one man this power.

Mr. CUMMINS. I thought the Senator from Georgia just said that he would have no objection to giving the present Chief Executive the power provided for in the bill; and, if he is of that opinion, if I could have any influence with the Senator from Nevada I would be very glad to support an amendment to that effect, because I feel sure that the war will have been concluded before the present administration shall come to an end.

Mr. SMITH of Georgia. The language which I used upon that subject must be taken in connection with the remainder of the language which I used. I preceded that statement with the further statement that, whenever we give to any President these extreme powers, even though we limit them to the existing President, they become a precedent for future legislation and are dangerous, and for that reason I am opposed to giving unlimited powers to any one man under any circumstances, however much I might be willing for the present President to exercise them. That was the language which I used as substantially as I can repeat it. I would be opposed to passing this bill if it specifically stated that no one should exercise the powers conferred but the present President. I am opposed to giving such powers to any President.

Now, Mr. President, I wish to call attention to these powers, as I construe them. Let us see how far we are going. And this is not the stopping place; it is just one of the guide posts along the road that we have begun to travel, to point the way to other acts of a similar character, and perhaps even more extreme in character. I may be in the minority; it may be that I have a foolish view of the subject; but, as I have it, I at least will feel better if I frankly express my views and vote against the measure. Now, let us see what this bill does. It provides that—

The President is hereby authorized, whenever in his judgment it becomes necessary, in order to expedite transportation and do justice between carriers—

Not when public transportation requires it; not when the Army of the Nation needs to be moved; not when supplies need to be moved, but—

whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. The Senator has not read the condition upon which the chief power is to be exercised.

Mr. SMITH of Georgia. I am going right on through the bill now and endeavor to analyze its effect.

Mr. CUMMINS. The Senator has quoted from the latter part of the bill and has taken up a very incidental and inconsequential power and omitted the real power, which I admit is very great and very important.

Mr. SMITH of Georgia. Well, I turn back to section 2 and read as follows:

Well, I turn back to section 2 and read as follows:

SEC. 2. That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation—

That priority of transportation is not to be given to Government supplies; it is not to be given to soldiers; it is not to be given to materials to be used for governmental purposes; it is just as broad as the problems of transportation. It makes the President a despot in ruling upon questions of transportation. He is to determine what—

shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

He can name any person or persons that he sees fit, who shall take charge of the problem, issue rules and regulations, and dominate the transportation of the country. We do not have to confirm his appointees; we have nothing to do with their number or their character, although we are the legislative body representing the people.

Mr. NEWLANDS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. Yes.

Mr. NEWLANDS. Does the Senator object to the exercise of the power of declaring or ordering a preference or priority in transportation, or is his objection to the agency by which the power is to be exercised?

Mr. SMITH of Georgia. Mr. President, for the present I am objecting to this bill as it is offered to us, and I am seeking to point out how shocking it is to any sense, if we have any left, of personal rights.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. KING. The Senator from Iowa [Mr. CUMMINS] said a few moments ago that we were confronted with the alternative of having the Government take charge of the railroad and transportation companies of the United States or vesting in the President or some other agency the power to control transportation in the interest of the public and for the national safety. Does not the Senator from Georgia think that that statement made by the Senator from Iowa is a fair statement of the situation, and does not the Senator from Georgia feel that it would be infinitely better to vest some agency—the President, the Interstate Commerce Commission, or some legitimate board—with these powers to aid in transportation, in securing proper rates, in facilitating the transportation of troops, in securing priorities than for the Government to assume control of the great transportation companies of the country?

Mr. SMITH of Georgia. I do not believe there is any necessity or excuse for the Government assuming control of the railroads. That part of the question I answer in that way. I believe I can be of more service, and certainly it will be more satisfactory to myself, if I proceed with the criticism of the provisions of this bill as it is written. Now let us come to the provision which I have just read, namely:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Now, what do we do if this bill becomes a law? We authorize the President to name persons, not subject to confirmation by the Senate, with no limitation as to their character or qualifications; we delegate to him, and then authorize him to delegate to some one else—to one or more persons—the privilege of saying what commodities shall be carried; first, how they shall be carried, and to make such rules and regulations as these persons may see fit, superseding law, and dominating the transportation of the country.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Yes, sir.

Mr. REED. I do not want to interrupt the Senator's chain of thought, and I will not propound the inquiry I am going to, if it will.

Mr. SMITH of Georgia. Well, I can not say that I have much of a chain of thought. I left the Committee on Finance when I heard the bill had reached the stage where, if I was going to make any criticism, I would have to make it at once.

Mr. REED. Let me make this suggestion to the Senator, for I should like to elicit his views.

It is proposed that the President may exercise these powers either in person or through others. It is generally understood that there is now organized some kind of committee, consisting of four or five railroad presidents, who are assuming to direct the commerce of the country. Is it not natural that this power, if it is employed by the President, should be exercised through that committee which has already been called into being?

Mr. SMITH of Georgia. I really do not know.

Mr. REED. Is not that the very natural conclusion?

Mr. SMITH of Georgia. If he calls this power into existence, and is now encouraging it, to perform the duty without legal authority, it would be natural to suppose, if the legal authority should be given, that he would continue the same agency.

Mr. HOLLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I do.

Mr. HOLLIS. I had many doubts about the bill when it was first introduced; and I went to see the railroad committee to find out what they were doing and what the need of the bill was, and to get their ideas. They told me that they thought it would be very undesirable to have a railroad official given the power, because that would give rise to a feeling that other railroads might not get a fair chance; and they expressed the hope that it would be some official of the Government, and not a railroad official. That is all I know about it. That does not determine it, but that is their idea.

Mr. REED. Will the Senator let me ask, then, for the sake of the record, whom he means by "the railroad committee"?

Mr. HOLLIS. As I explained in my remarks this afternoon, the Council of National Defense has a committee on railroad transportation, and they deal with a railroad committee appointed and given authority by all the railroads of the country. The committee of the council deals with the committee that represents the railroads. I really do not know the name of that committee.

Mr. REED. Does the Senator know the personnel of the committee?

Mr. HOLLIS. I am perfectly willing to state that the men I talked to were Mr. Howard Elliott, who was formerly the president of the New York, New Haven & Hartford Railroad; President Rea, of the Pennsylvania Railroad; and Mr. Shafer, who has charge of the distribution of cars. Those are the three men to whom I talked.

Mr. NEWLANDS. Mr. President, I will state to the Senator, if he will permit me, that Mr. Willard, of the Baltimore & Ohio Railroad, is a member of the advisory commission appointed by the Council of National Defense, and that in connection with him in the department of transportation—

Mr. CUMMINS. Mr. President, will the Senator from Nevada speak a little louder? I should like to hear what he says.

Mr. NEWLANDS. I was stating that Daniel Willard, president of the Baltimore & Ohio Railroad, was a member of the advisory commission appointed by the Council of National Defense, and that—

Mr. CUMMINS. Daniel Willard is a member of the Council of National Defense.

Mr. SMITH of Georgia. He is chairman of the advisory board.

Mr. NEWLANDS. Let me state what the form of the organization is. The Council of National Defense, appointed under the statute—

Mr. SMITH of Georgia. Mr. President, without yielding the floor, if it suits the Chair, I will sit down for a while.

The VICE PRESIDENT. Anything suits the Chair.

Mr. NEWLANDS. The Council of National Defense, appointed pursuant to the statute passed by Congress, consists of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The council, therefore, consists entirely of Cabinet officials. The act of Congress, however, also provides for an advisory commission of the Council of National Defense, and Daniel Willard has been appointed by the Council of National Defense chairman of the committee on transportation and communication of the advisory commission.

In connection with this, and pursuant to the request of the Council of National Defense, the railroads have appointed an executive committee consisting of five railway presidents, and the Council of National Defense has requested them to be in

permanent session here, so that the council can be in easy communication with all the railroads of the country. That committee of railroad officials consists of Fairfax Harrison, president of the Southern Railway, who is the chairman of it; Samuel Rea, president of the Pennsylvania Railroad; Julius Kruttschnitt, chairman of the executive committee of the Southern Pacific Railroad Co.; Hale Holden, president of the Chicago, Burlington & Quincy Railroad; Howard Elliott, president of the New York, New Haven & Hartford Railroad; Edward E. Clark, Interstate Commerce Commissioner, member ex officio; and Mr. Willard is also a member ex officio. Now, as I understand, that executive committee is here cooperating with the Council of National Defense and adopting their suggestions now with reference to priorities in transportation which are essential for the national defense.

Mr. REED. Will the Senator kindly enlighten me on another matter? He stated that Mr. Willard, of the Baltimore & Ohio, was the chairman of the committee on transportation?

Mr. NEWLANDS. Yes.

Mr. REED. He is a member of the Advisory Council of Defense, is he not?

Mr. NEWLANDS. Yes.

Mr. REED. He is chairman of the committee on transportation?

Mr. NEWLANDS. Yes.

Mr. REED. Who constitute the membership of the committee on transportation?

Mr. NEWLANDS. Let me see. I think I have it here.

Mr. SMITH of Georgia. While we are waiting I want to protest against the proposition that any of these men are members of the Council of National Defense. They are not.

Mr. NEWLANDS. None of them are.

Mr. SMITH of Georgia. They are members of advisory committees never designated by legislation.

Mr. NEWLANDS. They do not assume to be.

Mr. SMITH of Georgia. I just want it understood that they are not members of the Council of National Defense. They were named by legislative enactment.

Mr. REED. If it takes the Senator long—

Mr. NEWLANDS. There are so many committees that I am having difficulty in finding it.

Mr. REED. I hope the Senator will put that all in the RECORD.

Mr. NEWLANDS. I have put it all in the RECORD.

Mr. REED. The Senator has already done so?

Mr. NEWLANDS. All these committees and subcommittees; yes. The Senator will observe that there is a most elaborate organization.

Mr. REED. When was that done?

Mr. NEWLANDS. To-day.

Mr. REED. Ah, I was unfortunately kept out of the Chamber.

Mr. BRANDEGEE. Mr. President, the Senator from Georgia does not object to the Council of National Defense trying to get some information, does he?

Mr. SMITH of Georgia. Certainly not; but I wanted to draw the distinction between the various and various committees and the Council of National Defense.

Mr. NEWLANDS. Yes; but the Senator will recollect that the advisory commission is also provided for by the statute which we have passed; so it is acting under the authority of Congress so far as concerns advisory matters.

Mr. REED. Mr. President, this has led far from the point to which I was trying to get the attention of the Senator from Georgia, but has all been illuminating. As a matter of fact, it is now shown that the Council of National Defense has selected an advisory commission, and that a member of that advisory commission is Mr. Willard, of the Baltimore & Ohio; and Mr. Willard, of the Baltimore & Ohio, is the chairman of a committee on transportation the membership of which has not been disclosed yet in this colloquy, but the Senator from Nevada is looking through his memoranda to find the names. Up to this time we do not even know who that committee is. That committee has asked four or five railway presidents to meet in the city of Washington, and from this point to designate what freight shall in shipment have precedence over other freights. Thus, the case as now developed is that this commission of railway presidents, acting in the manner indicated, are assuming to grant precedence for one class of freight over another, and for one class of shippers over another. Now, it is proposed by the present bill to vest in the President of the United States the authority, either himself or through any person whom he may name, to give precedence to one class of freight over another, or to one shipper over another. Is it not entirely likely, so far as we can read the future, that that

power will be vested under the law where it has already been vested without authority of law?

Mr. SMITH of Georgia. Mr. President, that question being asked me, I should say that it would not be an unreasonable supposition to believe that if a committee had been selected with the approval of the President to do this work without legal authority, when the legal authority was given, the same committee would be continued with legal authority.

Mr. ROBINSON. Mr. President, will the Senator from Georgia yield to me to make a brief statement in part answer to the inquiry of the Senator from Missouri?

Mr. SMITH of Georgia. Yes; without yielding the floor, because I wish to hold the floor.

Mr. ROBINSON. Certainly. I do not wish the floor, Mr. President, except for the purpose of answering the inquiry of the Senator from Missouri.

On page 3 of the bill, commencing at line 10, is found this language:

All such common carriers are hereby directed and required to establish forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions, and to arrange for the prompt compliance therewith by such carriers—

And so forth.

I will state to the Senator from Missouri that my understanding of the matter is that the committee to which reference has already been made, of which Mr. Daniel Willard is a member and I think the acting chairman, is the committee which is given a quasi-legal status under the language which I have just read. This committee, if I am correctly informed, do not desire to be the person or persons through whom the President shall make the orders. They do not desire to become officers upon the part of the Government. They desire and intend to retain their status primarily as officers of the railway companies from whom they receive their compensation. But I call the attention of the Senator from Missouri and the Senator from Georgia to the fact that under the conditions that are now existing it is absolutely necessary that somebody, some authority in the United States, shall grant priorities of shipment.

The railroads have found themselves unable to transport all of the property tendered to them for transportation; and just as surely as you live and this war continues, that condition is going to grow more and more acute. It is the purpose of this bill to provide a governmental authority which shall protect the public, in so far as that can be done, from the evils of discrimination which will inevitably result and grow out of the congested condition of traffic already existing and rapidly growing worse.

The purpose of this bill is to give the Government some control over the matter. In the first place, whenever the national security and defense are imperiled, it will enable the President of the United States, who is the Commander in Chief of the Army and Navy of the United States, to say that before you shall ship automobiles you shall carry cannon and rifles and soldiers. Is there a Senator of the United States who wants to deprive the public authority of that power? He has his opportunity to do so by voting against this bill. It is absolutely necessary that there be vested somewhere an authority to provide for priorities; otherwise, unjust discriminations will result.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question, as he is on the committee?

Mr. ROBINSON. Certainly.

Mr. SMITH of Georgia. Why did you not in this bill, then, limit it to cannon and troops and governmental things?

Mr. ROBINSON. For the simple reason that it is necessary to transport a great many things besides the articles I have mentioned, and the Senator from Georgia knows it. Mr. President, the conditions will never be the same in any two cases. It may be necessary in one instance to transport food, in another to transport soldiers, in another to transport horses. There must be some power somewhere to provide what the priority shall be, and I would rather that the Chief Executive of this Nation, representing all the people of the Nation, should have a voice in it than leave that great power solely to the railroads themselves, without organizations for the purpose.

Mr. NEWLANDS. Mr. President, if the Senator from Georgia will permit me—

Mr. SMITH of Georgia. I yield, provided I do not lose the floor.

The VICE PRESIDENT. The Senator seems to have the floor by right of discovery, so it is all right.

Mr. NEWLANDS. I should like to make the suggestion that if it is necessary to establish priorities in the transportation of cannon and munitions of war and troops that are used in the national defense, it will also be necessary to establish priorities in the transportation of the steel that is to go into our ships; and if it is necessary to establish priorities in transportation with reference to the steel that is to go into the ships, it may be necessary to establish priorities of transportation in the iron, the basic iron, the pig iron, out of which the steel is made, or the coke with which the steel is made. There are numerous things that are used in the various phases of production that ultimately enter into and form a part of the things that are used for the national defense. As the Senator from Arkansas has already said, that applies to the food that supplies the troops, to the cannon, to the muskets and powder, and other munitions of war, and also to all the elements of production that form a part of these munitions of war when completed. I can understand, for instance, how in the making of wooden ships, if we should determine upon that, it may be absolutely necessary to give priority to the transportation of lumber from one section of the country to the other, and yet that lumber itself is not a munition of war.

Mr. SMITH of Georgia. Mr. President, before the Senator takes his seat I should like to ask him if he would accept an amendment limiting this bill to the prompt movement of the military and naval forces of the United States, and all supplies therefor, and material necessary to be used in the manufacture of arms, munitions, and equipment therefor, limiting it to the subjects that have been discussed so eloquently by the Senator from Arkansas?

Mr. NEWLANDS. I think that would be a limitation that would seriously affect the efficiency of this bill.

Mr. REED. Mr. President, I desire to finish my question. I want to ask the Senator from Georgia now whether in his opinion this bill, if it is enacted, will not place in the hands of the committee on transportation that may be appointed by the President, whether they be railroad presidents or other individuals, absolute power to control the shipment of substantially all materials in the United States, and deprive of all opportunity to recover any compensation the citizen who may be wronged or injured by a refusal to accept or transport his freight?

Mr. SMITH of Georgia. I am not sure about the question of depriving them of the right to recover compensation. It would undoubtedly create despotic power in the control of shipments, whether that be exercised by the President or by some one named by the President. If that power is used with benevolence, we will have a benevolent despotism. If it is used otherwise, it might constitute an oppressive despotism. What I am protesting against is such despotic powers being vested anywhere; and before I get through I hope to show that the emergency can be met without giving any such powers.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. Does the Senator yield further?

Mr. NEWLANDS. Will the Senator permit me to correct a misapprehension under which the Senator from Missouri, in his questions, seems to rest?

Mr. SMITH of Georgia. Certainly.

Mr. NEWLANDS. That is that the power of fixing these priorities will be in the hands of this railroad committee. On the contrary, this railroad committee is, under this statute, to be appointed simply to receive the orders of the President, not to originate them.

Mr. REED. The Senator is in error in regard to my position. I stated my proposition to be the railroad committee or other persons upon whom the President might confer the authority; and, of course, it must be conceded that he could confer it upon the committee, because the language of the act is—

Mr. NEWLANDS. I think the Senator is under a misapprehension. This committee of railway officials is here simply to receive the directions of the Government; not to exercise its judgment in any particular, but to receive these directions any carry them out.

Mr. SMITH of Georgia. Does the Senator from Missouri desire to ask me a question?

Mr. REED. I just want to conclude this, and I beg the Senator's pardon for having interrupted him.

Mr. SMITH of Georgia. The Senator need not beg my pardon. I hope he will discuss this bill elaborately himself before it is voted on.

Mr. REED. The language is:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through

such person or persons as he may designate for the purpose. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix.

Now, of course, under that language—

Mr. NEWLANDS. Will the Senator read that part with reference to the executive committee, commencing at line 12?

Mr. REED. On the same page?

Mr. NEWLANDS. Yes; the committee of railroad officers.

Mr. REED. Yes; I will read it all, with the permission of the Senator from Georgia.

Mr. NEWLANDS. Commencing with line 10.

Mr. REED (reading)—

Suitable offices may be rented and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. All such common carriers are hereby directed and required to establish forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions, and to arrange for the prompt compliance therewith by such carriers.

Now, Mr. President, plainly under that whole language, taken together, the President can appoint any person he sees fit to carry out these orders. It is, however, made the duty of the railroad company to put somebody here upon whom notice can be served. The President, under this bill, of course must sign the rules, orders, or regulations; but we all know that those rules, orders, and regulations will not be prepared by the President, but will be prepared by these boards, and undoubtedly in my judgment will be written by the railroad presidents who are now conducting this business.

Mr. SMITH of Georgia. Mr. President, I am now going to take up section 2 again, and call attention to what is in it. I think its importance is ample excuse for all the time that anyone may wish to give to its consideration.

Now, let us see. It starts with the proposition that the President is authorized. Further, he is authorized to do it himself or through such person or persons as he may designate. Therefore the President, or such person or persons as he may designate or authorize to do so, may direct that certain kinds of traffic or particular shipments shall have preference or priority of transportation by common carriers by railroad or water, under such arrangements, rules, and regulations as the President or persons whom he has designated may prescribe.

Mr. President, it is conceded that the transportation situation is one which makes it impossible for the railroads to move all the traffic of the country as it is tendered to them. Therefore, we are giving to the President, or such committee or commission as he may appoint, the unrestricted authority to discriminate between shippers. I suggested an amendment to the chairman of the committee.

Mr. NEWLANDS. Mr. President, will the Senator let me correct another misapprehension?

Mr. SMITH of Georgia. Yes.

Mr. NEWLANDS. There is no discrimination whatever between shippers under this bill. There is simply a priority as to classes of freight. No preference is to be exercised as to any individual shipper, but it is simply with reference to the class of freight.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. Yes.

Mr. BRANDEGEE. The act itself, in distinct terms, in line 18, applies to "particular shipments" as well as to classes of freight.

Mr. SMITH of Georgia. Yes.

Mr. NEWLANDS. Yes, that is true; but that is without reference to the shipper.

Mr. SMITH of Georgia. It not only applies to "kinds of traffic," but "particular shipments" of kinds of traffic, as the Senator from Connecticut suggests.

Mr. BRANDEGEE. Of course the shipments are of some concern to the shipper.

Mr. SMITH of Georgia. It absolutely puts in the hands of this board despotic power over the movement of transportation and the privilege of producers in this country, whether on the farm or in the factory, to have their products go to market.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. I do.

Mr. POMERENE. With all due respect, is not the Senator stating that proposition too broadly? The President is only

authorized to do this when, in his judgment, such action is necessary to the public security and defense.

Mr. SMITH of Georgia. Oh, I have read that language before. I have mentioned that language before. He begins acting when he thinks the public safety or the public defense requires it, and he asks for this bill because he wants to act.

Mr. REED. He has already acted.

Mr. SMITH of Georgia. There already has been action, as the Senator from Missouri says, and this is to legalize it. It is now legally to take the place of that which has heretofore been illegal.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. Will the Senator from Georgia state the instances in which he has already acted? I should like some information upon that subject. I should like to know what shipments have been given preference, and why they were given preference, in order that we may judge of the necessity of some such law as this.

Mr. SMITH of Georgia. I can not give the action in detail. I heard from the chairman of the committee that there was a committee of railroad men who already were indicating to the railroads what they should ship. I heard also from the chairman of the advisory commission, the president of the Baltimore & Ohio Railroad, that this was now being done. In detail, I can not give it to you.

Mr. CUMMINS. I should like to know. I think that if the Senator from Georgia could give to the Senate the instances he has in mind conclusive proof of the necessity of a law of this sort would be furnished.

Mr. REED. If the Senator will pardon me, the statement was made here by a number of Senators on the floor a few days ago of the instances to which they referred. One of them related to the shipments of cement, I believe, that had been held up. I will not undertake to give exact instances, but I think a number were given here on the floor of the Senate, and the RECORD will disclose them.

Mr. SMITH of Georgia. I wish to say, Mr. President and Senators, that it may be some legislation is necessary; it may be that we should prescribe some classes of freight which should be moved in preference to others; it may be that we should work out some line of selection under certain circumstances; but what I protest against is the unlimited power given individuals, without reference to war supplies and without reference to anything except their arbitrary and despotic judgments. There is no rule prescribed; there is no limitation of discretion prescribed. I know the members of the Committee on Interstate Commerce, and I appeal to them to put some rule of limitation upon the discretion of any board that undertakes to discriminate both as to traffic and as to shipments. I would not hesitate a moment to say that discrimination should be given in favor of moving war supplies—not a moment. If that were the standard, and it were limited to that, the bill would have my support.

Mr. CUMMINS. The limitation in this bill is found in the words "public security and defense." It is the only limitation that can possibly be put on this power. It would be no more possible to prescribe a general rule for the movement of freight under these abnormal conditions than it would be to prescribe a rule for the movement of a battleship or the movement of an army. The Senator from Georgia is asking for a criterion or a standard that can not possibly be supplied. If we are not willing to trust some one in the exercise of this power—and I grant that it is a great power—then the necessity, which is perfectly obvious now to everyone who observes the situation, must go unprovided for. It can not be limited by a rule or by a standard such as we could invoke in normal times.

Mr. POMERENE. Mr. President, if I may give a concrete instance, carrying out the idea expressed by the Senator from Iowa, about a week ago some manufacturers of paving brick and other building brick came to me from Ohio. They had a conference with the committee to which reference has been made. The order had gone out to prefer the shipment of steel and coal rather than of brick; but it turned out that this company was under contract to furnish large supplies of brick for the purpose of building a steel mill in Youngstown, and in that instance the brick was just as much of a war supply and for the purpose of carrying out the policy of the Government as was the steel itself after the mill had been erected.

Mr. SMITH of Georgia. Mr. President, it is true, as I construe this language, that the President must first find that public security and defense require direction at his hands, and the creation of this board. Then, beyond that the discre-

tion of the board settles the question. The discretion of the board, unknown to us, makes discriminations as to the kind of traffic and particular shipments. I repeat that I suggested to the chairman of the committee that it be limited to the prompt movement of the military and naval supplies of the United States and supplies and materials necessary to be used in the manufacture of arms, munitions, and equipment, and, thereafter, military supplies.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. In that connection, what would the Senator from Georgia say about all food products that were necessary to supply our allies—foreign shipments of food products?

Mr. SMITH of Georgia. I think a discrimination could be made as to food supplies for military purposes.

Mr. BRANDEGEE. No. Supposing it is not for military purposes? Supposing it is to support the lives of our allies?

Mr. SMITH of Georgia. I think they ought to take their chances with our own people in the movement of food.

Mr. BRANDEGEE. Does the Senator mean that there ought to be no way in cooperation with our allies of distributing a surplus food supply—

Mr. SMITH of Georgia. I did not say that.

Mr. BRANDEGEE. Other than by bidding in the open market or by trusting to luck as to transportation?

Mr. SMITH of Georgia. I do not think you would have to trust to luck as to transportation. I do not think there is any substantial difficulty about moving the food supplies to the coast. I do not think there has been any, and I do not think there will be any greater pressure in the future to move them.

Mr. BRANDEGEE. But my idea was—if I am not interrupting the Senator disagreeably—

Mr. SMITH of Georgia. No.

Mr. BRANDEGEE. That if the Commander in Chief of the Army and the Navy, for instance, has information that a month hence it will be necessary to transport so many hundred thousand tons of wheat to the interior of France, for instance, unless the Commander in Chief has authority to direct that certain railroad systems shall devote themselves to bringing that wheat from the places where it is stored, and long in advance perhaps of the time it may be actually needed upon the ground, is not that a matter that is just as definitely determinative of military operations as either munitions or arms might be?

Mr. SMITH of Georgia. I do not think so. It falls under a class after them, substantially. I think supplies for the troops themselves should stand on a higher plane than supplies for noncombatants—

Mr. BRANDEGEE. That might well be, of course.

Mr. SMITH of Georgia. And on quite a different plane.

Mr. BRANDEGEE. Quite so; but I am taking it now upon the ground that it is necessary for supplies for combatants themselves. "An army travels on its belly," as Napoleon said.

Mr. SMITH of Georgia. I think food for the Army has been standing exactly on the same plane as the munitions for the Army. I think they stand upon the same plane. I misunderstood the Senator from Connecticut. I thought he was referring to feeding the entire noncombatant population.

Mr. BRANDEGEE. I was taking both cases, for instance, because the noncombatants of to-day are going to be drawn in and become combatants to-morrow. Irrespective of that, however—perhaps it is not easy to take a particular instance—but as it lies in my mind the transportation of all sorts of products may be necessary for the winning of this war; and transportation of those products at a particular time, and that certain routes must give themselves exclusively to that transportation at the very psychological moment, may become a military necessity.

Now, I ask the Senator—with just as deep regret, and with as much aversion to absolute power as he can possibly have—as a military matter, how is this thing to be done except in a despotic manner? The Army itself is run in a despotic manner by the Commander in Chief. The legislative branch of the Government can do nothing but impeach the President. It can not impeach him for a blunder. If we find an error in judgment, if we have a great defeat of our Army, the power is there in the President to direct the Army. What is the Senator going to do about it? The conduct of war is arbitrary and despotic.

Mr. SMITH of Georgia. This situation is not one which requires any comparable power to-day to what is in this bill. That is my first reply. We have practically no troops abroad; we have ample facilities for moving the grain and the food-stuffs; and those facilities will continue. There is not such a

pressure upon transportation that they can not be moved, and the bill does not limit it to military supplies. If the bill were limited to military supplies, it would occupy a very different attitude. The amendment which I suggested to the Senator from Nevada would have covered food supplies for the Army. They would be treated as military supplies; but the purpose is to go far beyond that; it is to control the whole problem of transportation.

Mr. CUMMINS. Mr. President, I want to correct one misapprehension—I think it is a misapprehension—which the Senator from Georgia evidently harbors. He said a few moments ago that if the President found that the public security and defense required the appointment of a board, thereafter the board could take complete possession of the transportation system and order preference or priority without regard to the public security or defense. I am sure the Senator is in error about that. The board, or a single person—because the President can select such representative as he desires to exercise this power for him—the board would have to find that the priorities or preferences ordered by it were required and were essential to the public security and defense.

While I am on my feet I want to ask the Senator from Georgia whether he has considered the experience of Great Britain and France and Germany with regard to this subject? I am just as much opposed to the extension of power over general industrial matters and private enterprises as he can possibly be.

Mr. SMITH of Georgia. I feel sure of that.

Mr. CUMMINS. And I have no doubt that will appear a little later, when other bills are before the Senate; but, as the Senator will remember, the transportation of a country is a public function; it is not a private function. We have attempted for years to regulate this function. The very moment war broke out in Great Britain that country found it necessary to take possession of all its railway facilities. France found it necessary to take possession of all the private railway facilities of that country. Germany has long operated its entire system as a public matter. Now, is the Senator from Georgia at all sure this great public duty of transportation could be efficiently performed during these abnormal times without the hand of the Government upon it, so that it will give always to the public security and defense its first consideration?

Mr. SMITH of Georgia. Answering the Senator, if it becomes necessary for the Government to control in these respects, I believe it to be the duty of Congress to indicate in the legislation that it passes the plan of that control and to provide for a tribunal that will exercise judicially that control under certain limitations and rules legislatively prescribed. That would be a vastly different thing from giving the power to one man to fix the rules and to name, unrestrained, the officers who will carry them into execution. The one would be the legislative development of a plan under proper restrictions, with officers legislatively created to carry out the legislative plan; the other would be a legislative delegation of the power to an individual to do as he pleases.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Yes.

Mr. KELLOGG. As a member of the committee I have given some thought to that question. Will the Senator please tell us concretely what regulations, limitations, and rules he would specify in the protection of this power proposed to be granted? It is very easy to say "rules and regulations and specifications," and so forth; but I should like to have the Senator state what rules and what limitations he would place upon the granting of the power?

Mr. SMITH of Georgia. Mr. President, the bill itself provides for rules and regulations. Those responsible for the bill must have had rules and regulations in their minds which would control and cover the subject, to be written by the President. If there are rules and regulations which properly can be prescribed by the President governing the selection and settling of problems of determination in a measure, surely a committee of the Senate ought to be able to work them out, and those rules and regulations ought to exist before the legislation is passed.

Then, Mr. President, I insist that the character of the men who are to perform this duty shall be legislatively determined. In the one case it is government by legislation and by the representatives of the people, providing a tribunal to pass under legislatively fixed rules, while in the other it is despotism. That is the difference.

Mr. President, I suggested one limitation to the committee, and it goes just as far as our present condition requires. The Senator from Iowa referred to the condition of Germany and that of England and that of France. Our condition can scarcely

be compared to theirs. England, France, and Italy are engaged in war with Austria and Germany, lying right alongside of them, with 15,000,000 more population than Germany and Austria. They are not simply fighting for democracy; they have special grievances; they occupy a very different position from the United States, 3,000 miles away; and to take the position that we are to give the same despotic power, or require it here, I think utterly fails to keep in mind the entire difference between the situation in France, where millions of German and English and French soldiers are fighting, and our condition here. We do not require the withdrawal from the individual citizen of his rights here that may be required there. I object to our aping the policies that they have put into effect in their emergencies when no such situation confronts us. We are being asked, 3,000 miles away from the seat of war, to subject our citizens to all the interference with their individual rights and their ordinary business opportunities—yes; to interfere more with their rights—than France or England find necessary in the midst of the battle plains. Why, if we keep this up, if we continue this line of abandonment of private rights, we will have to go to Prussia to have a chance to live in a democracy. I am not willing, in the name of democracy, to give up every democratic right that the individual has.

Now let me go on and call attention to the provisions of this bill, and I appeal to the members of the committee to modify it. Officials of the United States, when so designated—

The President creates the offices—

shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix.

The President is to pick them as he pleases; pay them as he pleases.

Suitable offices may be rented, and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense.

Why, Senators, can we not determine what kind of tribunal we wish to pass on these questions, and can we not prescribe the rules and regulations, and can we not set a standard?

I would say without hesitation that they might give preference to the prompt movement of the military and naval forces of the United States, and all supplies therefor, and all materials necessary to be used in the manufacture of arms, munitions, and equipment, and all foodstuffs necessary for the Army of the United States, or necessary to be shipped abroad for the armies of our allies. I would be perfectly willing to create some kind of tribunal to regulate and control all those matters, but I should like to have Congress prescribe some rules of selection and name the organization and pass upon the occupants of the offices when they come. I would not vote to confirm to a position like this a gentleman like Mr. Bernard Baruch.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. Does the Senator understand from the language of the bill at the bottom of page 2, to wit:

And for any such purpose he—

That is, the President—

is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose—

That that gives these persons that he designates the same authority that we are intending to give the President?

Mr. SMITH of Georgia. Practically.

Mr. BRANDEGEE. I did not understand it so from the reading of the bill.

Mr. SMITH of Georgia. Just let me read the whole of that paragraph:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose—

What is that? To give directions, to modify them, to change them, and to suspend them or to annul them—

for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Mr. BRANDEGEE. Yes; he is authorized to do it. "He is hereby authorized to issue orders direct, or through such person"—not by such person—"through such person or persons as he may designate."

Mr. SMITH of Georgia. They act for him. Unquestionably it means—

Mr. BRANDEGEE. That is what I am trying to bring out—an inquiry as to whether these acts and orders are not, in contemplation of law, exclusively the orders of the President and of nobody else, possibly issued through persons whom he

may designate? The inquiry was suggested to me by a remark that I think the Senator made, that this not only clothed the President with this authority, but we delegated it to the President, and the President was authorized to delegate it to the persons he designated. Does the Senator really think that that is the fair legal construction of the language?

Mr. SMITH of Georgia. I do. I think that is the legal construction of it, and I have not any doubt about the fact that that will be its practical operation.

Mr. BRANDEGEE. I think very likely the task is so enormous that the President could not thoroughly investigate the propriety or wisdom of each particular order he issued. But, after all, I suppose, in contemplation of law, under the terms of this bill, the order would be the order of the President, who was clothed with the power by Congress, issued through one of these designated gentlemen.

Mr. SMITH of Georgia. I think we have more time to prepare the plan of distribution and just as much familiarity with the subject as the President. If it really means, as the Senator suggests, that the President works out the mode of distribution and the mode of selection—

Mr. BRANDEGEE. No; I do not claim that.

Mr. SMITH of Georgia (continuing). Or if he mentally does anything about it—

Mr. BRANDEGEE. I had supposed that whatever organization he might decide upon—perhaps several agents or persons designated in different parts of the country and in different industries—after they had studied the circumstances surrounding that subject, they would make a recommendation to the President, and it would be his order that would put into operation the powers conferred by this bill. He might not know much about it.

Mr. SMITH of Georgia. It expressly does not require him to sign the order. It says "to issue orders direct, or through such person or persons," and so forth.

Mr. BRANDEGEE. Well, I suppose it would be such an order as a general would issue through his adjutant general. It would be the act of the general, issued by the adjutant general.

Mr. SMITH of Georgia. The Senator must realize, and the President must realize, and in construing this everybody must realize, that it is utterly impossible for one man, even if he has nothing else to do, to handle this entire subject and handle it intelligently. If it means that the President is to do it all himself, it means he is supposed to do what he could not do intelligently if he had nothing else to do.

Mr. REED. Mr. President, if the Senator will permit me—

Mr. SMITH of Georgia. Certainly.

Mr. REED. The question in dispute, as I understand it, is whether, under the language of the bill, the President must himself issue these orders, or whether the bill is so constructed that the President, having created a board or created an agency, that board or agency can then proceed to issue orders in the name of the President. The Senator from Connecticut appears to be of the opinion that the language does no more than to confer upon the President the power to personally make the orders.

I call the attention of the Senator from Georgia and the Senator from Connecticut to the language of the bill, and as a preliminary I state that if it was intended simply to confer upon the President power to make orders without giving him any power to delegate his power, then all that was necessary to have put into the bill was the language that "the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation." That language would have conveyed a complete power. It would have given the President all the power that the Senator from Connecticut appears to think the President has under this bill. And if it had been desired to give him the further power to create agents merely to enforce his orders, the further language would have been "and shall have power to create agents to enforce his orders."

But that is not the language of the bill. Following the language which I read is this:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Now, the Senator from Connecticut is, to my certain knowledge, a splendid lawyer, for I have the pleasure of serving with him on the Judiciary Committee; and I submit to the Senator from Connecticut whether, if he were preparing a bill and intended to confer upon the President the power to issue orders as to priority of classes of freight and intended to give the

President the power to appoint agents to carry out his orders, he would not simply say: "The President shall have the power and authority to make classifications and give priorities and to appoint agents to carry out his directions"? Surely he would not employ this very peculiar language:

He may give these directions at and for such times as he may determine and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. Yes, sir.

Mr. REED. It seems to me that language implies some purpose other than or different than would have been deduced from the mere plain statement of authority.

Mr. SMITH of Georgia. The whole context of the bill carries that conclusion. A little farther on you find that the railroads are to have their officers here ready to receive orders. If the President really makes the orders, this other person would simply be a messenger to carry them over to the office of the railroad organization. Evidently it does not mean that.

Mr. BRANDEGEE. Mr. President, of course I do not claim to be qualified to say what it does mean. I did not draw the language. I am trying to find out what a court would probably construe the language to mean. The committee evidently had some clear idea as to whether they were creating a sole authority in the President or giving the President, if it is possible to do so, the right to create subauthorities and clothe them with all the authority conferred upon him. Of course I do not know exactly what was in the minds of the members of the committee; but, as I read section 2, the whole section is modified by and contingent upon the language "whenever in his judgment," in line 16.

It seems to me to be inconsistent with that language to say that because later on in the bill, down in lines 24 and 25, it provides that he—the President—may issue orders direct or through such person as he designates the power is thereby conferred by this bill upon persons to be designated in the future by the President to issue orders which, under the clear language of the bill, can only be issued by the President when in his judgment the public safety requires it. I take it the Senator would not claim that any one of these persons designated by the President may issue an order when in the judgment of another person the public safety or interest may require it.

Mr. SMITH of Georgia. I really think the practical effect of this provision is that the President issues his rules and begins his work and appoints this board, and they do the balance of it. I think that is practically what it amounts to, and the unrestricted control of transportation will pass to men named by the President—men not really Government officials.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. MARTIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 9, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 8, 1917.

PUBLIC HEALTH SERVICE.

Dr. Harry Evans Trimble to be assistant surgeon in the Public Health Service, to take effect from date of oath.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. John F. Morrison to be major general from May 15, 1917, to fill an original vacancy.

Brig. Gen. Charles G. Morton to be major general from May 15, 1917, to fill an original vacancy.

Brig. Gen. William L. Sibert to be major general from May 15, 1917, to fill an original vacancy.

Col. Edwin F. Glenn, Eighteenth Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Augustus P. Blocksom, Third Cavalry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. John Biddle, Corps of Engineers, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. George T. Bartlett, Coast Artillery Corps, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Henry C. Hodges, jr., First Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Joseph T. Dickman, Second Cavalry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Adelbert Cronkhite, Coast Artillery Corps, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Henry T. Allen, Cavalry, unassigned, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. William H. Sage, Twelfth Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Chase W. Kennedy, General Staff Corps (Infantry), to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Omar Bundy, Adjutant General (Infantry), to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Harry C. Hale, Fifteenth Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Richard M. Blatchford, Infantry, detached officers' list, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Samuel D. Sturgis, Field Artillery, unassigned, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. David C. Shanks, Inspector General (Infantry), to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. William M. Wright, Adjutant General (Infantry), to be brigadier general from May 15, 1917, vice Brig. Gen. Thomas F. Davis, retired from active service May 8, 1917.

Col. Robert L. Bullard, Twenty-sixth Infantry, to be brigadier general, vice Brig. Gen. John F. Morrison, to be appointed major general.

Col. Peyton C. March, Eighth Field Artillery, to be brigadier general, vice Brig. Gen. Charles G. Morton, to be appointed major general.

VETERINARY CORPS.

Veterinarian Clarence Loveberry, Quartermaster Corps, to be assistant veterinarian from June 3, 1916, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Herbert M. Lord, Quartermaster Corps, to be lieutenant colonel from March 4, 1913, vice Lieut. Col. Beecher B. Ray, whose recess commission expired by constitutional limitation March 3, 1913.

Maj. Robert S. Smith, Quartermaster Corps, to be lieutenant colonel from March 27, 1914, subject to examination required by law, vice Lieut. Col. George F. Downey, promoted.

Maj. William G. Gambrill, Quartermaster Corps, to be lieutenant colonel from July 1, 1916, to fill an original vacancy.

PROMOTIONS IN THE NAVY.

Capt. Hugh Rodman to be a rear admiral in the Navy from the 23d day of May, 1917.

The following-named commanders to be captains in the Navy from the 23d day of May, 1917:

Harley H. Christy,
Noble E. Irwin,
Waldo Evans,
Thomas J. Senn,
Charles F. Preston, and
Richard H. Leigh.

The following-named lieutenant commanders to be commanders in the Navy from the 23d day of May, 1917:

Chauncey Shackford,
Ralph E. Pope,
Zachariah H. Madison,
Charles P. Snyder,
Joseph R. Defrees,
Willis G. Mitchell,
John J. Hyland,
Samuel W. Bryant,
Edward S. Jackson,
Sinclair Gannon,
John D. Wainwright,
George W. Steele, jr.,
Stafford H. R. Doyle, and
William N. Jeffers.

Lieut. Commander Harry E. Yarnell to be a commander in the Navy from the 29th day of August, 1916.

The following-named lieutenants to be lieutenant commanders in the Navy from the 23d day of May, 1917:

Theodore G. Ellyson,

Hugh Brown,
 Wilhelm L. Friedell,
 Burton H. Green,
 Isaac F. Dortch,
 John J. London,
 Gordon W. Haines,
 Ross S. Culp,
 John W. Wilcox, jr.,
 Laurence N. McNair,
 Edward L. McSheehy,
 William Baggaley,
 Benjamin Dutton, jr.,
 Halford R. Greenlee,
 Vaughn K. Coman,
 Reed M. Fawell,
 Henry A. Orr,
 Alexander S. Wadsworth, jr.,
 James S. Woods,
 Lloyd W. Townsend,
 John M. Smeallie,
 John E. Pond,
 William P. Gaddis,
 Kenneth Whiting, and
 George B. Wright.

The following named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1917:

Theodore S. Wilkinson, jr.,
 William W. Smith,
 David I. Hedrick,
 Olaf M. Hustvedt,
 Harold T. Smith,
 Cummings L. Lothrop, jr.,
 Preston B. Haines,
 Gerard Bradford,
 Mark L. Hersey, jr.,
 Frank T. Leighton,
 Alva D. Bernhard,
 Chester S. Roberts,
 Benjamin V. McCandlish,
 Daniel A. McElduff,
 Arthur S. Dysart,
 Hugh P. LeClair,
 James D. Maloney,
 Alan G. Kirk,
 Levi B. Bye,
 Granville B. Hoey,
 Tracy L. McCauley,
 Francis W. Scanland,
 Joel W. Bunkley,
 Max B. DeMott,
 Ernest J. Blankenship,
 John J. Saxer,
 Leo L. Lindley,
 Harold C. Train,
 Richard M. Elliott, jr.,
 Lee P. Johnson,
 Monroe Kelly,
 Marion C. Robertson,
 Edward C. Raguet,
 Charles C. Davis,
 George K. Stoddard,
 Williams C. Wickham,
 Freeland A. Daubin,
 Roland M. Comfort,
 Radford Moses,
 Thomas E. Van Metre,
 Comfort B. Platt,
 Sherman S. Kennedy,
 Richard W. Wuest,
 Chauncey A. Lucas,
 Charles H. Morrison,
 Paul H. Rice,
 Robert G. Coman,
 Holbrook Gibson,
 Charles E. Reordan,
 Howard H. J. Benson,
 Hugo W. Koehler,
 George N. Reeves, jr.,
 Ralph E. Sampson,
 Joseph M. Deem,
 Robert H. Bennett,
 James B. Glennon,
 Vance E. Chapline,
 Deupree J. Friedell,
 Frank A. Braisted,

George B. Keester,
 John Borland,
 Oscar C. Greene,
 Raleigh C. Williams,
 Thalbert N. Alford,
 Henry G. Cooper, jr.,
 Eugene M. Woodson,
 James S. Spore,
 Wilbur J. Carver,
 Charles H. Maddox,
 George A. Trever,
 Edgar A. Logan,
 Mark C. Bowman,
 Percy T. Wright,
 Frank S. Carter,
 Harold A. Waddington,
 Percy W. Northcroft,
 David H. Stuart,
 Ernest L. Gunther,
 Augustine W. Rieger,
 James B. Rutter,
 Alger H. Dresel,
 Frank Slingsluff, jr.,
 Clifford E. Van Hook,
 Solomon Endel,
 Robert P. Guyler, jr.,
 Ralph G. Haxton,
 Joseph A. Murphy,
 Lawrence Townsend, jr.,
 Lucius C. Dunn,
 Charles M. Elder,
 James M. Doyle,
 Rush S. Fay,
 Henry T. Settle,
 Ewart G. Haas, and
 Joseph E. Austin.

The following named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1917:

Noel Davis,
 Charles B. C. Carey,
 Carleton F. Bryant,
 William J. Larson,
 Alfred P. H. Tawressey,
 John H. Buchanan,
 Herman A. Spanagel,
 Joseph R. Redman,
 Frank L. Lowe,
 Franklin G. Percival,
 Theo D. Westfall,
 Theodore D. Ruddock, jr.,
 Andrew H. Addoms,
 Albert G. Berry, jr.,
 James D. Black,
 George B. Wilson,
 William H. Porter, jr.,
 William K. Harrill,
 Greene W. Dugger, jr.,
 John M. Creighton,
 George F. Neiley,
 Russell E. Perry,
 Herbert J. Ray,
 Charles E. Rosendahl,
 John G. Moyer,
 Robert W. Hayler,
 Bert F. Clark,
 Archibald N. Offley,
 William A. Corn,
 John B. W. Waller,
 Robert L. Vaughan,
 Homer L. Ingram,
 Thomas J. Doyle, jr.,
 Alexander R. Early,
 Charles F. Martin,
 Vincent A. Clarke, jr.,
 Kemp C. Christian,
 Philip W. Yeatman,
 Samuel G. Moore,
 William J. Hart, jr.,
 John L. Valden,
 Swift Ricne,
 George Marvell,
 Benjamin H. Page,
 Frank F. Cunneen,
 Raymond A. Deming,
 Benjamin S. Killmaster,

Raymond S. Hatch,
James E. Boak.
William A. Heard,
Charles H. Mecum,
George T. Howe,
Rudolph F. Hans,
Simson C. Stengel,
Wilder DuP. Baker,
Julius M. Moss,
Robert S. Wyman,
Lewis H. McDonald,
Horace H. Jalbert,
George S. Arvin,
Foster C. Bumpus,
William C. Burgy,
Frank P. Thomas,
Ralph O. Davis,
Sifrein F. Maury,
Martin Griffin,
William F. Roehl,
Donald F. Washburn,
Stuart D. Truesdell,
Frederick D. Powers,
Thomas C. Latimore, jr.,
Robert W. Cary,
Karl R. Shears,
Lloyd J. Wiltse,
Paul W. Fletcher,
Lawrence J. K. Blades,
Henry W. Hoyt,
Robert C. Starkey,
Joseph C. Arnold,
Robert P. Luker,
Clarence J. McKeavey,
Oliver O. Kessing,
Wallis Gearing,
William K. Beard,
John H. Brown, jr., and
Ralph G. Pennoyer.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1917:

Claude S. Gillette,
Benjamin F. Tilley, jr., and
Creed H. Boucher.

First Lieut. Elisha Theall, United States Marine Corps, retired, to be a colonel on the active list of the Marine Corps, an additional number in grade, to rank next after Albert S. McLemore, from the 31st day of May, 1917.

The following-named warrant officers and clerks for assistant paymasters in the United States Marine Corps to be second lieutenants in the Marine Corps, for temporary service, from the 1st day of June, 1917:

Leon L. Dye (clerk for assistant paymaster),
Lee W. Wright (clerk for assistant paymaster),
Reuben B. Price (clerk for assistant paymaster),
George P. Doane (clerk for assistant paymaster),
John W. Mueller (quartermaster clerk),
John F. McVey (quartermaster clerk),
John T. Baugh (quartermaster clerk),
Harold H. Rethman (quartermaster clerk),
Walter J. Green (clerk for assistant paymaster),
James E. Reich (clerk for assistant paymaster),
Carl S. Schmidt (clerk for assistant paymaster),
John F. Burnes (marine gunner),
Charles Ubel (quartermaster clerk),
Charles C. St. Clair (quartermaster clerk),
John Waller (quartermaster clerk),
Harry Halladay (quartermaster clerk),
Eugene L. Pelletier (quartermaster clerk),
Otto Salzman (quartermaster clerk),
Harry V. Shurtleff (quartermaster clerk),
Fred G. Patchen (quartermaster clerk),
William F. Beattie (quartermaster clerk),
Francis E. Pierce (marine gunner),
Harry W. Gamble (quartermaster clerk),
Leslie G. Melville (quartermaster clerk),
Edwin P. McCaulley (quartermaster clerk),
Robert F. Slingluff (marine gunner),
Roscoe Arnett (marine gunner),
Francis C. Cushing (quartermaster clerk),
Charles L. Eickmann (marine gunner),
Thomas Quigley (marine gunner),
Patrick W. Guilfoyle (marine gunner),
Frank Z. Beckner (marine gunner),
Nathan E. Landon (marine gunner),
Eugene L. Mullaby (marine gunner),

Robert H. Shiel (marine gunner),
John J. Mahoney (marine gunner),
Albert J. Phillips (marine gunner),
Jacob Jacobowitz (quartermaster clerk),
James McCoy (marine gunner),
Augustus B. Hale (marine gunner),
Walter E. McCaughtry (marine gunner),
William O. Corbin (marine gunner),
Thomas J. Curtis (marine gunner),
John P. McCann (marine gunner), and
Maurice A. Willard (clerk for assistant paymaster).

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8, 1917.

UNITED STATES DISTRICT JUDGE.

Robert W. Jennings, to be United States district judge, division No. 1, district of Alaska.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be colonels.

Lieut. Col. John S. Winn.
Lieut. Col. Charles A. Hedekin.
Lieut. Col. Francis J. Koester.
Lieut. Col. John D. L. Hartman.
Lieut. Col. Robert L. Howze.
Lieut. Col. Guy H. Preston.
Lieut. Col. Edward Anderson.
Lieut. Col. George E. Stockle.
Lieut. Col. William T. Littebrant.
Lieut. Col. Michael M. McNamee.
Lieut. Col. Ralph Harrison.
Lieut. Col. Charles D. Rhodes.

FIELD ARTILLERY ARM.

To be colonels.

Lieut. Col. George G. Gatley.
Lieut. Col. LeRoy S. Lyon.
Lieut. Col. Tiemann N. Horn.
Lieut. Col. Charles P. Summerall.
Lieut. Col. William M. Cruikshank.
Lieut. Col. Otho W. B. Farr.
Lieut. Col. Dwight E. Aultman.
Lieut. Col. Adrian S. Fleming.
Lieut. Col. Brooke Payne.
Lieut. Col. William S. Gulingard.
Lieut. Col. Albert J. Bowley.
Lieut. Col. Harry G. Bishop.
Lieut. Col. Willard D. Newbill.
Lieut. Col. Manus McCloskey.

COAST ARTILLERY CORPS.

To be colonels.

Lieut. Col. Clint C. Hearn.
Lieut. Col. William C. Davis.
Lieut. Col. Frank G. Mauldin.
Lieut. Col. Daniel W. Ketcham.
Lieut. Col. Thomas B. Lamoreux.
Lieut. Col. Andrew Hero, jr.
Lieut. Col. Frank E. Harris.
Lieut. Col. George Blakely.
Lieut. Col. Frank W. Coe.
Lieut. Col. William R. Smith.

INFANTRY ARM.

To be colonels.

Lieut. Col. Richard C. Croxton.
Lieut. Col. Edward N. Jones, jr.
Lieut. Col. Arthur Johnson.
Lieut. Col. Charles H. Martin.
Lieut. Col. William Weigel.
Lieut. Col. Thomas G. Hanson.
Lieut. Col. Herman Hall.
Lieut. Col. Marcus D. Cronin.
Lieut. Col. Charles S. Farnsworth.
Lieut. Col. Charles Gerhardt.
Lieut. Col. James T. Dean.
Lieut. Col. Ulysses G. McAlexander.
Lieut. Col. William K. Jones.
Lieut. Col. Edmund Wittenmyer.
Lieut. Col. Michael J. Lenihan.
Lieut. Col. Mark L. Hersey.
Lieut. Col. Frank H. Albright.
Lieut. Col. Frederic D. Evans.
Lieut. Col. Earl C. Carnahan.

Lieut. Col. Edson A. Lewis.
 Lieut. Col. Charles E. Tayman.
 Lieut. Col. James W. McAndrew.
 Lieut. Col. Edward R. Chrisman.
 Lieut. Col. Peter C. Harris.
 Lieut. Col. Munroe McFarland.
 Lieut. Col. William T. Wilder.
 Lieut. Col. William R. Sample.
 Lieut. Col. William R. Dashiel.
 Lieut. Col. Eli A. Helmick.
 Lieut. Col. William C. Bennett.
 Lieut. Col. Frederic H. Sargent.
 Lieut. Col. Wilson Chase.
 Lieut. Col. Charles B. Hagadorn.
 Lieut. Col. Harry R. Lee.
 Lieut. Col. Harold L. Jackson.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be judge advocates with rank of major,

Capt. Willey Howell.
 Capt. Gordon N. Kimball.
 Capt. William Taylor.
 Capt. Gouverneur V. Packer.
 Capt. Edward K. Massee.
 Capt. Edwin O. Saunders.
 Capt. Marion W. Howze.
 Capt. Hugh S. Johnson.
 Capt. George V. Strong.
 Capt. Cassius M. Dowell.
 Capt. William S. Weeks.
 Capt. Allen W. Gullion.
 Capt. James A. Gallogly.
 Capt. Edwin C. McNeil.
 Capt. Edward P. King, jr.

CHAPLAINS.

Rev. A. Richard Hedstrom to be chaplain with the rank of first lieutenant.

Rev. Henry Nathan Blanchard to be chaplain with the rank of first lieutenant.

VETERINARY CORPS.

Veterinarian Sherman R. Ingram to be assistant veterinarian.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

COAST ARTILLERY CORPS.

To be first lieutenants

Second Lieut. Charles D. Y. Ostrom.
 Second Lieut. James C. Hutson.

PORTO RICO REGIMENT OF INFANTRY.

To be first lieutenants.

Second Lieut. Manuel B. Navas.
 Second Lieut. Enrique M. Benitez.
 Second Lieut. Vicente N. Diaz.
 Second Lieut. Andres Lopez.
 Second Lieut. Ramon S. Torres.
 Second Lieut. Modesto E. Rodriguez.

PROVISIONAL APPOINTMENT AS SECOND LIEUTENANTS IN THE ARMY.

FIELD ARTILLERY ARM.

Arthur Oscar Walsh.
 Marcus Aurelius Smith Ming.
 Lewis Elmer Goodrich.
 Victor Roland Woodruff.
 Robert William Yates.
 Dana Caswell Schmah.
 Wilbur Granville Dockum.
 Clinton Mansfield Lucas.
 Samuel Gilbert Fairchild.
 Ray S. Perrin.
 Ben Menadue Sawbridge.
 Warren D. Davis.
 Dominic Joseph Sabini.
 Herman Feldman.
 Charles Meriwether Stephens.
 Oscar Townsend Yates.
 Aubrey Charles Stanhope.
 John Harvey Fye.
 Julius Tyler Andrews Doolittle.
 Charles R. Lehner.
 Harry Burden Befry.
 James V. Palmer.
 James Francis Brittingham.
 Gordon Grant.

Ernest A. McGovern.
 David Seth Doggett.
 Arthur Daniel Ruppel.
 Ralph Maslin Balliet.
 David Haldane Trevor.
 William Edward Pfeiffer.
 Walter Compere Lattimore.
 Albert A. Fleming.
 Russell H. Dixon.
 Everett Marshall Graves.
 William W. Thomas.
 Leo M. Daly.
 Francis Ray Mann.
 Stephen H. Cordill.
 Nathan Eugene McCluer.
 Tom Wiley Stewart.
 Fred E. Sternberger.
 Harry Edwin Webber.
 Moe Neufeld.
 Carlos Watkins Bonham.
 Sidney James Cutler.
 William Ray Holcomb.
 Harry Hollander.
 John Bridger Thornhill.
 Edmond Cecil Fleming.
 Virgil Luther Minear.
 Charles Emerson Boyle.
 Karl John Howe.
 Edwin Adolph Henn.
 Homer Hartline Dodd.
 Lawrence Hill Wadsworth.
 John William Lee Sutherland.
 Alfred Mynderse Goldman.
 Arthur Allen Dearing.
 James Wright Stewart.
 Francis Clinton LeGette.
 Benjamin Simeon Dowd.
 John Miller Peirce.
 Miles Maron Elder.
 Frederick Carlisle Austin.
 George Fredrick Kite.
 Herbert S. Herbine.
 Charles Torrance McAleer.
 Walter Allen Noyes.
 Paul Reuben Wing.
 Edward Jedd Roe.
 Myron Weldon Tupper.
 Harry Leslie Calvin.
 Charles Richard Doran.
 William Wilson Belcher.
 John Richard Williams.
 George Ralston Middleton.
 Wilbur Haile Hayes.
 Robert Fuller Blodgett.
 John Francis Lynch.
 Carl Cladius Carney.
 Richard Allen Gordon.

COAST ARTILLERY CORPS.

Nelson Dingley, 3d.
 Carl Russell Adams.
 Edward Carl Lohr.
 Byron Tully Ipock.
 George Walter Hovey.
 Ernest L. Bigham.
 Raymond Herman Schutte.
 Carl R. Crosby.
 Charles Thomas Halbert.
 Claude Gilbert Benham.
 Henry Bradley Frost.
 Roy Dayton Burdick.
 Franklin A. Green.
 Harrie J. Rechtsteiner.
 Willard Wadsworth Irvine.
 William Doughty Evans.
 William Carl Byrd.
 Clarence Noble Winston.
 Albert Miller Jackson.
 Lyle Bishop Chapman.
 Joseph Philip Kohn.
 Robert Justin Van Buskirk.
 Frederick Linwood Topping.
 Thomas Raphael Phillips.
 Charles S. Erswell, jr.
 Lewis Merriam, jr.

INFANTRY ARM.

Edward Sandford Pegram, jr.
 Roger Sturgis.
 Stanley Gloninger Saulnier.
 Mark Richards Muckle Gwilliam.
 Will Hughes Gordon.
 Walter Tracey.
 Joseph Jack Johnston.
 Wilton Lynn Rutan.
 Ward Currey Goessling.
 Curley Pharr Dusen.
 Richard David Daugherty.
 Walter Raymond Graham.
 Albert Hovey Peyton.
 Patrick Houstoun.
 Miron James Rockwell.
 Peter Wirtz.
 Allen Wainfield Stradling.
 Robert Valentine Tackabury.
 James Patrick Murphy.
 Gustav Adolph Mellanchton Anderson.
 William Chapman Peters.
 Francis Lenoir Hill.
 Charles McDonald Parkin.
 Richard Babcock Porter.
 Jacob Edward Bechtold.
 Harry Adamson.
 Neal Creighton Johnson.
 John Edward McCarthy.
 Steele Wotkyns.
 John Clarence Lane.
 Norman Pyle Groff.
 Glenn Adelbert Ross.
 Donald John Myers.
 Vic Kingsley Burriss.
 Francis Augustus Woolfley.
 Carl Bernhardt Schmidt.
 Leslie Leonard Connett.
 Owen R. Rhoads.
 Joe L. Ostrander.
 Elmer F. Wallender.
 Carl E. Driggers.
 Allan Floyd House.
 Harry Pearl Merchant.
 Carl Grady Lewis.
 John D. Burris.
 Harry Vincent Hand.
 Frederick V. Edgerton.
 Anthony Oliver Adams.
 George Alva Stockton.
 Charles W. Neues.
 George Rowland Brown, jr.
 Oscar A. Burton.
 Edward Leon Feeney.
 Harold W. Kelty.
 William Henry Valentine.
 George Norman Munro.
 Herbert Boyer.
 Myron Wood Sherman.
 Woodworth Bowman Allen.
 Robert Ferris.
 John Sylvester Sulima.
 Charles Edmund DeLew.
 Dallas R. Alfante.
 William E. Shaw.
 Lee Burton Woolford.
 Ned Blair.
 Ernest Alvin Kindervater.
 Oscar Merton McDole.
 Jared Irwin Wood.
 Henry Harrison Ranson.
 Gordon C. Irwin.
 Elbridge Gerry Chapman, jr.
 Jacob Herschel Lawrence.
 Everett Marion Yon.
 Grady H. Pendergrast.
 Robert E. Frye.
 Cornelius F. Dineen.
 Joseph Edward Villaseñor.
 John C. Haynes.
 George Lawrence Hopkins.
 George Mood MacMullin.
 Harold Krebs Coulter.
 Hugh Campbell Hodge Jones.

Otto Emil Pentz.
 Williston Lockwood Warren.
 James A. Wade.
 Nicholas Szilagyi.
 Frederick Weston Hyde.
 Gilbert Good.
 Theodore Rayburn.
 Leland S. Hatfield.
 Rosser Lee Hunter.
 John Stanley Hopper.
 John P. Utinsky.
 James Lester Albright.
 Feodor Otto Schmidt.
 John Garth Goodlett.
 George Seymour McCullough.
 Roderiek Alexander Stamey.
 Leo Willard Glaze.
 Walter Ernest Duvendeck.
 Abraham Cohen.
 William Frederick Gent.
 Clarence Harvey Maranville.
 Roy Sparks.
 William B. Smith.
 Carl F. Cooper.
 John Frank Gleaves.
 Sterling Clifton Robertson.
 Allen Flood Kirk.
 Thomas G. Jenkins.
 Francis Samuel Bayard Cauthorn.
 Lowery Langford Cocke.
 Madison E. Walker.
 Richard Smith Duncan.
 Alexander Payson Knapp, jr.
 Winthrop Ausley Hollyer.
 Leslie Carlyle Wheat.
 Lawrence Harold Bixby.
 Frank Daniel Grantham.
 Robert W. Norton.
 Frederic Griffin Dorwart.
 William Dominick Kerns.
 Oliver Lee Garrett.
 Thomas Eugene Bourke.
 Hastings Couse Scholl.
 Claire A. Whitesell.
 Reinhold August Ferdinand Endling.
 William Valentine McCreight.
 John Henry Ringe.
 Virgil Bell.
 William Granville Purdy.
 Chesley Ray Miller.
 Charles Edward Robinson.
 William Cloud Robinson.
 Walter Lee Mitchell.
 Robert F. Dark.
 Minucan D. Cannon.
 Samuel Marshall.
 Ralph Slate.
 Lee Samuel Eads.
 Ernest John.
 Charles Hugh McKnight.
 Floyd H. Banta.
 Ralph Marshal Caulkins.
 Charles Leslie Moon.
 Claudius Leo Lloyd.
 Francis G. Bishop.
 Henry Drue Patterson.
 Bartlett M. Egeland.
 Stuart Baldwin Taylor.
 Joseph P. Kiley.
 Joseph Lester Brooks.
 Madefrey Alethes Odhner.
 Jacob Myers Pearce, jr.
 Ora C. Coffey.
 George Dawson Lehmann.
 Jesse J. Hudson.
 Robert Hill.
 Robert Claude Gregory.
 Laird Astor Richards.
 John James Finnessy.
 Carl Cooper Helm.
 Wayne Horton.
 Leo E. Bennett, jr.
 Ross Snyder.
 Arthur Chifton Boren.

Frederick William Schonhard.
 Arthur Reinert Jernberg.
 William Francis Stromeyer.
 Dudley Blanchard Howard.
 Henry Walcott Farnham, jr.
 Arthur C. Kinsley.
 Henry Ely Kyburg.
 William Benjamin Tuttle.
 Charles Henry Parker, jr.
 Ashley Spencer Le Gette.
 Stalker Elijah Reed.
 John Leonard Riddell.
 Joseph Baxter Wiener.
 Wallace Heyser Gillett.
 Benjamin Walter Wood.
 Courtney Parker Young.
 Allyn Fillmore Stetson.
 Chester Valentine Newton.
 Frank Leon Philbrook.
 John Allen Whitson.
 George Raymond Owens.
 Andrew Davis Bruce.
 Richard Marshall Winfield.
 Charles Edward Hathaway, jr.
 Dallas Lloyd Knoll.
 Kenneth Seymour Olivier.
 Philip Armour Heimbald.
 Frederick Collins Wheeler.
 Floyd Emerson Galloway.
 William Creveling Trumbower.
 Gerald Arthur Shannon.
 Henry Yost Lyon.
 Joseph Anthony Cistero.
 Thomas William Freeman.
 Lawrence Fulton Braine, jr.
 Paxton Sterrett Campbell.
 Maxwell Miller.
 Roy Leo Schuyler.
 Louis DeLaussure Hutson.
 Gustav Ludwig Karow.
 Harold David Sites.
 Loren Prescott Stewart.
 Nathaniel L. Simmonds.
 John Charles Colwell, jr.
 Harlan Davies Kimball.
 James Tillinghast Moore.
 John Wesley Bell Thompson.
 William Florance O'Donoghue.
 Thomas Joseph Moroney.
 William Clark Luth.
 William Carlton Williams.
 Alan Walter Jones.
 Francis Leavell Johnson.
 William Webb Sanders.
 Charles S. Brodbent, jr.
 Arthur Ranken Rockwood.
 Wayne Bea Cave.
 Stanley Allan Thomson.
 Emery Williamson.
 Charles Reid Russell.
 Ira Norman Downer.
 William Byron Wilson.
 Lloyd Wesley Mason.
 Carroll Leonard Ellis.
 Stanley Young Kennedy.
 David Preston McCalib.
 Henry Arthur Montgomery.
 Dudley Southworth Brown.
 Thomas Henry Shea, jr.
 Franklyn Thatcher Lord.
 William Winter Dean.
 John Wolcott Stewart.
 Augustus George Schroeder.
 Royden Kenner Fisher.
 Marlin Clack Martin.
 David Lee Hooper.
 D'Arcy David Tinsley.
 William Louis Morrison.
 Oliver Edward George Trechter.
 Elmer Frost Farnham.
 Charles Stone Reilly.
 David Walker Barton.
 James Terrill Brazelton.
 John Lee Autrey.

Edwin Henry Haskins.
 Robert Lewis Nelson.

CAVALRY ARM.

James Ellis Slack.
 Culver Satterlee Mitcham.
 William Ogden Johnson.
 Harold Burton Gibson.
 John Derby Hood.
 William E. Kepner.
 Melvin Selmer Williamson.
 Evarts Walton Opie.
 Euston Fletcher Edmunds.
 Frank Peter Stretton.
 Paul Hurlburt.
 Aaron Y. Hardy.
 Earl Boden Wilson.
 Edmund John Engel.
 Paul Wodarsky.
 John E. Grant.
 Jack McCorkle Reardon.
 George David Coleman.
 Lewis Mesherry.
 Lewis Allen Weiss.
 Francis E. Cheney.
 Robert Perry Mortimer.
 Lee Tuckock Victor.
 Henry Cook Caron.
 William Warren Powell.
 Thomas Pope Cheatham.
 Robert F. Merkel.
 George Fridjhof Bloomquist.
 Carroll Arthur Powell.
 Frank C. De Langton.
 Oscar B. Abbott.
 Carter Roderick McLennan.
 Frederick Gearing.
 Geoffrey Galwey.
 Louis Garland Gibney.
 William Durward Adkins.
 John Barber Hartman.
 Harry Columbus Jones.
 James E. Simpson.
 Aaron Taylor Bates, jr.
 Charles James Booth.
 William Tuttle Hamilton.
 Richard Charles Boyan.
 Edward Kirby Jones.
 Harry Phillips Shaw.
 Frederick F. Duggan.
 Merl John Flatt.
 Harry Howard Baird.
 Francis Hutchins Waters.
 William Taylor Bauskett, jr.
 Carlisle Barksdale Cox.
 Walter Leroy Bishop.
 Donald Richard McComas.
 Lilburn Bennett Chambers.
 John Wesley Burke.
 Charles Wells Jacobson.
 Edgar Rutherford Garlick.
 Henry Peck Ames.
 Richard Fairfax Leahy.
 Howard Cheseborough Okie.
 William Lynch Gibson.
 James Lindsay Franciscus.
 Eddie James Lee.
 Elmer Parks Gosnell.
 Raymond Daniel Adolph.
 Donald Armppriester Stroh.
 Russell Thomas George.
 Thomas Clyde McCormick.
 Erskine Ashby Franklin.
 Robert Davis Thompson, jr.
 John Edward Maher.
 John E. Selby.
 Arthur Louis Marek.
 Herbert Everett Watkins.
 Raymond Lovejoy Newton.
 William Ross Irvin.
 Alfred Lyons Baylies.
 Lathan Hunter Collins.
 Ralph Burgess Skinner.
 Candler Asbury Wilkinson.
 Milton A. Lowenberg.

John Adams Hettinger.
George Atalbert Goodyear.
Paul Houston Morris.
Francis Edwin Stafford Turner.
Guy Douglas Thompson.
George Albert Parsons.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 8, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, Father-Soul, imminent in all the works of Thy hands, ever acting in and through the hearts of Thy children, make us susceptible to the holy influence that we may grow day by day intellectually, morally, spiritually, and leave behind us a record worthy of the precious gifts Thou hast bestowed upon us. Through Him who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

RIVER AND HARBOR BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4285, the river and harbor appropriation bill.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois demands a division.

The House divided; and there were—ayes 52, noes 44.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—ayes, 189, noes 119, answered "present" 5, not voting 117, as follows:

YEAS—189.

Adams	Estepinal	Lee, Ga.	Sears
Alexander	Fairchild, B. L.	Leshner	Shackelford
Almon	Farr	Lever	Sherley
Aswell	Fisher	Linthicum	Sherwood
Austin	Fitzgerald	Little	Sims
Bacharach	Flood	London	Sinnot
Bankhead	French	Longworth	Sisson
Barkley	Garrett, Tenn.	McArthur	Slayden
Bathrick	Garrett, Tex.	McKeown	Slemp
Black	Glynn	McLaughlin, Mich.	Small
Blackmon	Godwin, N. C.	McLaughlin, Pa.	Smith, Idaho
Boeber	Goodall	McLemore	Stegall
Borland	Goodwin, Ark.	Mansfield	Stedman
Brand	Gray, Ala.	Martin, La.	Steenerson
Browning	Gray, N. J.	Meeker	Stephens, Miss.
Buchanan	Greene, Mass.	Miller, Wash.	Sterling, Pa.
Burnett	Gregg	Montague	Stevenson
Byrnes, Tenn.	Griffin	Moon	Summers
Caldwell	Hadley	Moore, Pa.	Switzer
Campbell, Pa.	Hamlin	Mott	Taylor, Ark.
Candler, Miss.	Hardy	Nichols, S. C.	Templeton
Candlish	Harrison, Miss.	Oldfield	Thomas
Caraway	Hastings	Oliver, Ala.	Tillman
Carlin	Hawley	Oliver, N. Y.	Van Dyke
Carter, Okla.	Hayden	Osborne	Venable
Clark, Fla.	Heflin	O'Shaunessy	Vinson
Coady	Heintz	Overstreet	Volgt
Collier	Hensley	Padgett	Volstead
Connally, Tex.	Hicks	Park	Walker
Cooper, Wis.	Holland	Platt	Walton
Copley	Hollingsworth	Polk	Ward
Cox	Hood	Price	Watkins
Crosser	Houston	Quinn	Watson, Pa.
Curry, Cal.	Hulbert	Rainey	Weaver
Darrow	Humphreys	Raker	Webb
Decker	Igoe	Randall	Whaley
Dempsey	Jacoway	Rankin	White, Me.
Denison	Johnson, Ky.	Rayburn	White, Ohio
Dent	Jones, Tex.	Riordan	Wilson, La.
Denton	Jones, Va.	Robinson	Wilson, Tex.
Dies	Kehoe	Rodenberg	Wingo
Dill	Kettner	Romjue	Wise
Domineck	Kincheloe	Rouse	Wood, Ind.
Doremus	King	Rubey	Woodyard
Doughton	Kitchin	Rucker	Young, Tex.
Drane	LaGuardia	Russell	
Dupré	Larsen	Sanders, La.	
Elston	Lazaro	Schall	

NAYS—119.

Anderson	Campbell, Kans.	Classon	Dale, Vt.
Ayres	Cannon	Claypool	Dallinger
Bacon	Carter, Mass.	Connelly, Kans.	Davidson
Browne	Cary	Crago	Dillon
Burroughs	Chandler, Okla.	Cramton	Doolittle
Byrnes, S. C.	Church	Crisp	Dowell

Ellsworth	Hilliard	Mapes	Stafford
Emerson	Howard	Mason	Sterling, Ill.
Esch	Hutchinson	Moore, Ind.	Stiness
Evans	James	Mudd	Strong
Fairfield	Johnson, S. Dak.	Nolan	Sweet
Ferris	Johnson, Wash.	Parker, N. J.	Taylor, Colo.
Frear	Juul	Phelan	Temple
Fuller, Ill.	Keating	Porter	Thompson
Gallagher	Kelley, Mich.	Purnell	Tilson
Gallivan	Kelly, Pa.	Ramsey	Timberlake
Gillett	Kinkaid	Ramseyer	Tinkham
Glass	Kraus	Reavis	Towner
Good	La Follette	Robbins	Vestal
Gordon	Langley	Roberts	Walsh
Gould	Lehlbach	Rose	Wason
Graham, Ill.	Lenroot	Sabath	Welty
Green, Iowa	Loneragan	Sanders, Ind.	Wheeler
Lundee, Vt.	Lundee	Sanders, N. Y.	Williams
Griest	McClintic	Sanford	Wilson, Ill.
Hamilton, Mich.	McFadden	Scott, Iowa	Winslow
Haskell	McKinley	Scott, Mich.	Woods, Iowa
Helm	Madden	Shouse	Young, N. Dak.
Helvering	Magee	Snell	Zihlman
Hersey	Mann	Snook	

ANSWERED "PRESENT"—5.

Barnhart	Gard	Knutson	Stephens, Nebr.
Poster			

NOT VOTING—117.

Anthony	Edmonds	Kennedy, R. I.	Pratt
Ashbrook	Fairchild, G. W.	Key, Ohio	Ragsdale
Bel	Fess	Kiess, Pa.	Reed
Bland	Fields	Kreider	Rogers
Blanton	Flynn	Lea, Cal.	Rowe
Bowers	Focht	Littlepage	Rowland
Britten	Fordney	Lobeck	Saunders, Va.
Brodbeck	Foss	Lunn	Scott, Pa.
Bruckner	Francis	McAndrews	Scully
Brumbaugh	Freeman	McCormick	Sells
Butler	Fuller, Mass.	McCulloch	Shallenberger
Capstick	Gandy	McKenzie	Siegel
Carew	Garland	Maher	Sloan
Chandler, N. Y.	Garner	Martin, Ill.	Smith, Mich.
Clark, Pa.	Graham, Pa.	Mays	Smith, C. B.
Cooper, Ohio	Hamill	Miller, Minn.	Smith, T. F.
Cooper, W. Va.	Hamilton, N. Y.	Mondell	Snyder
Costello	Harrison, Va.	Morgan	Steele
Currie, Mich.	Haugen	Morin	Sullivan
Dale, N. Y.	Hayes	Neely	Swift
Davis	Heaton	Nelson	Tague
Dewalt	Hill	Nichols, Mich.	Talbot
Dickinson	Huddleston	Norton	Treadway
Dixon	Hull, Iowa	Olney	Vare
Dooling	Hull, Tenn.	Overmyer	Waldow
Drukker	Husted	Paige	Watson, Va.
Dunn	Ireland	Parker, N. Y.	Welling
Dyer	Kahn	Peters	
Eagan	Kearns	Pou	
Eagle	Kennedy, Iowa	Powers	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. STEELE with Mr. BUTLER.

On this vote:

Mr. DICKINSON (for) with Mr. PAIGE (against).

Mr. MORIN (for) with Mr. KREIDER (against).

Mr. SCOTT of Pennsylvania (for) with Mr. KIESS of Pennsylvania (against).

Mr. VARE (for) with Mr. ROGERS (against).

Mr. DIXON (for) with Mr. TREADWAY (against).

Mr. GARLAND (for) with Mr. CLARK of Florida (against).

Mr. COSTELLO (for) with Mr. SCULLY (against).

Mr. HEATON (for) with Mr. DUNN (against).

Mr. ROWLAND (for) with Mr. HAMILTON of New York (against).

Until further notice:

Mr. WATSON of Virginia with Mr. McCULLOCH.

Mr. LOBECK with Mr. GRAHAM of Pennsylvania.

Mr. EAGLE with Mr. GEORGE W. FAIRCHILD.

Mr. DALE of New York with Mr. ANTHONY.

Mr. LUNN with Mr. KAHN.

Mr. POE with Mr. MILLER of Minnesota.

Mr. SAUNDERS of Virginia with Mr. MCKENZIE.

Mr. MCANDREWS with Mr. HAYES.

Mr. BLANTON with Mr. BLAND.

Mr. KEY of Ohio with Mr. FULLER of Massachusetts.

Mr. GARNER with Mr. FORDNEY.

Mr. NEELY with Mr. KENNEDY of Iowa.

Mr. WELLING with Mr. PETERS.

Mr. SULLIVAN with Mr. NICHOLS of Michigan.

Mr. OLNEY with Mr. KEARNS.

Mr. MAHER with Mr. HULL of Iowa.

Mr. ASHBROOK with Mr. COOPER of Ohio.

Mr. BELL with Mr. FESS.

Mr. FIELDS with Mr. BOWERS.

Mr. HUDDLESTON with Mr. DYER.

Mr. THOMAS F. SMITH with Mr. POWERS.

Mr. OVERMYER with Mr. ROWE.

Mr. BRODBECK with Mr. DAVIS.